

**CHAMPAIGN COUNTY CIRCUIT COURT**  
**PROTOCOL FOR FAMILY LAW CASES**

This Protocol is effective March 1, 2023. All prior Protocols are revoked.

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Dated: February 27, 2023

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Chad S. Beckett, Presiding Judge of the  
Champaign County Family Law Division

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Ramona M. Sullivan, Circuit Judge

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Randall B. Rosenbaum, Presiding Judge of  
Champaign County and Chief Judge of the Sixth  
Judicial Circuit

**I. ASSIGNMENTS**

Family court (cases designated as “D”, “DC”, “DN”, “F” or “FA”) assignments are as follows:

Judge Sullivan (G): Family cases with no attorney, State’s Attorney Child Support Enforcement, & all other Order of Protection cases.

Judge Beckett (H): Family cases with an attorney; OPs on Tuesday and Wednesday.

Judge Benjamin (J): Family cases with interpreters & conflict cases.

Other judges may be appointed to family cases from time to time.

**Procedural and Document Requirements:** Each judge handling family law cases will organize their docket and schedule cases in whatever fashion they decide (contact that judge’s office for specific practices). However, all judges will generally require adherence to the pre-trial and case management rules specified below.

**II. PROCEEDINGS IN COURTROOM “H”**

Effective May 8, 2023, Judge Beckett’s weekly schedule will generally be as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
Trials 9:00-noon	Trials 9:00-11:15 ----- EOPs 11:30	Trials 9:00-11:15 ----- EOPs 11:30	Expedited Call 9:00-noon (may continue into noon hour if necessary)	Settlement Conferences 9:00 – 10:00 ----- Trials 10:00-11:30 ----- Weddings 11:30-noon
Uncontested Call 1:15-1:30 ----- Trials 1:30-4:30	Trials 1:15-4:30	Expedited Call 1:15-4:30	Uncontested Call 1:15-1:30 ----- Trials 1:30-4:30	Reserved

**Uncontested Calls:** “Uncontested” matters (heard twice a week) include grounds hearings, change of name proceedings, uncontested ancillary hearings, motions to withdraw, status hearings, pre-trial conferences, initial and subsequent case management conferences and other routine matters. Contact Ms. Stovall in Judge Beckett’s office by the Monday before the hearing date (“call”) to be added.

**Expedited Calls:** “Expedited” matters include contested issues (parenting time, decision making, child support, maintenance, possession of the marital residence, etc.) of a temporary nature twice a week. Permanent determinations are limited to dates reserved for Trial. While more time may be available due to the number/complexity of other cases scheduled on a given day, **parties should plan on completing the presentation of evidence and argument within 60 minutes per case.** Parties are encouraged to work together to narrow the issues and facts in dispute. Cases not completed from the Wednesday afternoon call may be continued to the Thursday morning contested call. The Thursday morning contested call may run through the noon hour to accommodate

unforeseen delay. The Court strives to resolve all matters that are set for the expedited call fairly and efficiently. Accordingly, **parties should always expect expedited calls to commence on time.**

**Trials:** The Court will generally make up to a 2-day block of time available for contested hearings with complex temporary and permanent disputes each Monday and Tuesday. Multiple 2-day blocks of trial time will be made available on a case-by-case basis. Shorter single day and half day hearings will also be scheduled through the week. Due to last-minute cancelations, trial openings may become available at short notice. Accordingly, parties are encouraged to contact the Court from time to time for earlier setting.

**Jury Trials:** Some dates will be modified from time to time due to special jury trial settings.

**Adoptions/Probate and Special Settings:** Courtroom H generally addresses uncontested adoption/probate matters at 8:30 or 8:45 a.m. except on Thursdays. For those uncomfortable with large gatherings, or when a matter can be addressed by telephone, special settings of uncontested matters will also be made available at these times.

**Motions:** Motions and responses should be served on opposing parties as required under [III. Supreme Court Rule 11](#) and accompanied by filing an appropriate certificate of service. Parties are encouraged to email courtesy copies of motions/responses to the Courtroom email address of the judge hearing the motion. For example, Judge Beckett's (Courtroom H) email address is [courtroomH@co.champaign.il.us](mailto:courtroomH@co.champaign.il.us), Judge Sullivan's (Courtroom G) email address is [courtroomG@co.champaign.il.us](mailto:courtroomG@co.champaign.il.us), and so on.

**Substitution:** [Motions to substitute a judge](#) should initially be directed to the judge currently assigned to the case. If approved, the County Presiding Judge will assign the case to another judge. The presiding judge may appoint any available judge – including judges presiding in other counties within the Sixth Circuit – as the replacement for the substituted judge.

**Notice of Hearing:** [Local Rule 2.1\(f\)](#) requires 14 days prior notice of hearing unless waived by the Court. Parties cannot schedule motion hearings or cancel an existing hearing simply by calling the judge's office or emailing a judge's clerk; parties are expected to give formal notice or provide written proof of agreement of the other party in setting hearings; this also applies when canceling a hearing, particularly just before a hearing is scheduled to take place. **Again, the Court requires the parties to coordinate the setting and cancelation of hearings in almost all cases.**

**Orders Without Hearings:** The Court may, in its discretion, require a hearing before entering orders. However, agreed orders, including judgments of dissolution, marital settlement agreements, allocation judgments, and QDROs, can generally be submitted via e-file without prior hearing, provided they are signed by all parties and/or counsel and comply with all other elements required particular to the proposed order. As an example, entry of a judgment of dissolution, shall be preceded by – if applicable – a marital settlement agreement, parenting plan, all endorsed or shown as approved by each party. Parties shall also file a [Certificate of Dissolution of Marriage](#) and proof of completion of parenting classes with the Circuit Clerk prior to entry of a judgment of dissolution. In the interest of judicial efficiency and reduction of litigation costs, motions that do not require evidence may be decided without oral argument pursuant to [Circuit Rule 2.1\(c\)](#),

**Oral Arguments:** Parties and their attorneys should assume that the Court has read the documents relating to matters heard at oral argument. The Court may ask questions based on its review of those materials during argument. In any event, parties are encouraged to briefly summarize key facts and points of law supporting their respective positions rather than attempt to fully recite all aspects of the matter before the Court.

**Settlement Conferences:** Judge Beckett will make time available each Friday morning for settlement conferences and on other dates and times as available. Conferences can be held with or without parties, in person, by telephone or by video. Settlement conferences are encouraged, however, the Court may limit “day of hearing” conferences on the expedited call.

The objective of a settlement conference is to facilitate resolution of disputes without the expense and emotional anguish of a formal trial. During a conference, the parties present a short oral or written presentation of the facts of a case; the judge expresses tentative thoughts about how these facts would impact the Court’s decision if presented at trial. Parties may request a judge other than that assigned to hear the dispute to conduct a settlement conference, however an unsuccessful settlement conference will not be allowed as a basis for substitution before trial.

### **III. PRETRIAL PROCEDURE**

Ill. Supreme Court Rule 922 generally requires family cases be resolved from start to finish **within 18 months**. The procedures below are designed to encourage that result.

**Initial Disclosures:** Resolution begins with appropriate & timely exchange of relevant information by each party. The initial disclosures and directives below are intended to encourage a more efficient resolution of cases, either through settlement or improved preparation for trial. Parties shall supplement these initial disclosures as additional information becomes available. **These disclosures are to be made between the parties and should not be submitted to the Court.**

- A. Within 42 days of the parties being “at issue” (e.g., Respondent served with summons or entry of appearance), parties shall disclose the following:
  1. A financial Affidavit with exhibits in a form approved by the Ill. Supreme Court.
  2. A list of property claimed by the party (marital and non-marital)
  3. A draft parenting plan compliant with Ill. Supreme Court Rules (if applicable).
  
- B. Within 63 days of being at issue, all parties shall provide the other parties:
  1. A calculation of child support and maintenance (if applicable);
  2. A proposed division of personal property;
  3. A proposal addressing the use/allocation of the marital residence (if applicable); and
  4. A proposal to obtain the value of complex assets (e.g., real estate, a business, a pension, etc.)
  
- C. Within 84 days following being at issue, the parties shall conduct a conference of a kind set forth in Rule 201(k) to address discovery issues and assess areas of agreement/disagreement.

Financial Affidavits required above shall be supported by documentary evidence, including, but not limited to, income tax returns, pay stubs, and banking statements. Affidavits or supporting documentation with personal information (e.g., SSNs, account numbers, children’s full names) shall

be submitted in compliance with [Ill. Supreme Court Rule 138](#) with a [Notice of Confidential Filing](#) via sealed confidential e filing or by confidential paper filing when e filing has been waived.

Parties shall file a certificate of compliance regarding the above disclosures with the Circuit Clerk.

**Case Management Conference:** As required under [Ill. Supreme Court Rule 904](#), an initial case management conference (CMC) will be set within 90 days of all parties entering their appearance. Parties shall request a CMC setting from the Court within 7 days of the filing of the Respondent's answer. The CMC shall confirm compliance with the initial mandatory disclosures and determine remaining unresolved matters. Trials (whether on temporary or permanent matters) and investigation requests will be scheduled at this conference if not previously requested.

**Written Discovery:** Parties may supplement initial disclosures with additional written discovery pursuant to [Rules 201-219](#) at any time after the parties have appeared in the case. Motions to compel responses to written discovery must comply with [Rule 201\(k\)](#). “Compliance” means, at a minimum, that the parties have had an oral conversation about the dispute, or that the aggrieved party has made multiple attempts to have such a conversation in good faith without success. Parties are encouraged to use the [model marital interrogatories](#) provided under [Illinois Supreme Court Rule 213](#) (beginning at the bottom of page 8 of the linked form)

**Depositions:** Judge Beckett will address deposition discovery disputes in real time (by telephone or by zoom, as appropriate), if available. Prior notice of potential disputes is encouraged.

**Discovery Cutoff:** Discovery should be completed 14 days before trial unless otherwise agreed. This does not apply to temporary matters on the expedited call.

**Final Pretrial Conference:** Trials (i.e., disputes not set on a contested call) will be set for a final pretrial 14 days prior to the trial date. At least 3 days before the final pretrial hearing date, the parties shall jointly or separately file a Final Pretrial Memorandum, similar to the sample financial-oriented pre-trial memo attached in Appendix C below.

**Parenting Education:** As authorized by [750 ILCS 5/404.1](#), parties in family cases shall complete a 4-hour parenting education class and file a certificate of completion with the Court no later than sixty (60) days after the initial case management conference. Approved on-site parenting education classes available in the Champaign-Urbana area includes [Family Service of Champaign County's Children First Program](#); Family Service also has an approved [online course](#) available, as does [Children In Between](#).

**Parenting Time and Decision-Making:** The Court is required to establish the parenting time allotted to each parent as well as the decision-making authority regarding the child(ren) (e.g., medical, educational, extra-curricular and religious upbringing decisions), always on the basis of the best interest of the child(ren). Any agreement by the parties regarding allocation of parenting issues must be presented to the Court for approval.

The factors the Court considers in parental allocation matters are set forth in [750 ILCS 5/602.5\(c\)](#) (decision making) and [750 ILCS 5/602.7\(b\)](#) (parenting time). Depending on the facts of the case, decision-making authority may be (1) granted to one parent only, (2) divided among the parents, or (3) shared jointly. Similarly, parenting time can be allocated in whatever manner the

Court determines to be in the child(ren)'s best interests, and may range from parents sharing parenting time equally, to one parent receiving all of the parenting time, to somewhere in between.

A common method for allocating parenting time of school-age children involves one parent exercising parenting time on alternate weekends plus one night each week with the other parent receiving the remaining time; in a two-week period, this could result in a 10 day/4 day split between parents. While this arrangement is often ordered, that does not mean that it is "the standard parenting time order" that the Court will make when the parties do not agree on parenting time. The Court will, for example, consider a request in the above situation for additional parenting time where the requesting parent has been active and involved in the life of the child(ren) and the parties live in close geographical proximity, or when other relevant facts suggest a different result, and always based on the best interest of the child(ren).

#### **IV. MEDIATION OF PARENTING TIME/DECISION MAKING ISSUES**

In many cases, mediation is mandated by Illinois Supreme Court Rules and local Circuit Rules. Regardless, parties are encouraged to engage in mediation when allocation of parenting time, allocation of decision making, relocation issues or financial issues are disputed. [Circuit Administrative Order 06-3](#) (Last amended: October 24, 2022) provides:

*The designated judge shall order mediation of any contested issue of parental responsibility, custody, parenting time, relocation or access to children arising in any action unless an impediment exists. The parties may not proceed to a final judicial hearing on contested issues arising in that case without leave of court, or until the mediation process has been concluded and its outcome has been reported to the court.*

See ***Circuit Administrative Order 06-03, Section IV(E)(2)*** for the specific requirements for mediation. For good cause shown, particularly those circumstances cited in the above Circuit Administrative Order, a judge may waive mediation.

#### **V. INVESTIGATIONS FOR PARENTING TIME & DECISION MAKING**

[750 ILCS 5/506\(a\)\(2\)](#) and [750 ILCS 5/604.10](#) provide the framework for professionals to aid the Court and the parties to resolve disputes over parenting time and allocation of decision making. Investigations may be conducted under one of three different models: (1) a limited guardian ad litem, (2) a guardian *ad litem*, and (3) a professional home and background evaluation. The Court will generally order only one of these three investigations during a case in the absence of exceptional circumstances. General rules regarding each type of investigation follow below.

##### ***Limited Guardian ad Litem Appointments***

If, upon completion or waiver of mediation, the parties represent to the Court that allocation of parental responsibilities is at issue in a family cases, the Court may appoint a limited guardian ad litem (LGAL) from a list of experienced lawyers with family law and custody experience to conduct an investigation and report his/her recommendations to the parties, counsel and the Court to address allocation issues under [750 ILCS 5/602.5\(c\)](#) and [750 ILCS 602.7\(b\)](#). This appointment is pursuant [750 ILCS 5/506\(a-3\)](#).

If appointed, the primary role of an LGAL is to make permanent allocation recommendations to the parties to encourage settlement; if those efforts are not successful, the LGAL's secondary role is to report those recommendations to the Court as an aid to its allocation decision. The LGAL is not an attorney for the minor child, a representative of the minor child or a traditional guardian ad litem. The LGAL's recommendations may be persuasive but are not binding on the Court.

LGAL appointments may be requested by one or both of the parties. Appointment is at the Court's discretion. The Court may assess the LGAL fee (detailed below) equally or unequally between the parties depending on the circumstances of a particular case. The Court's appointment will be made from a list of previously approved LGALs. Either party may make one substitution without cause. The Court will select the LGAL on a rotating basis to ensure comparable workloads.

The LGAL fee will be \$900 per party where there is one child at issue. For each additional child, the LGAL fee shall increase by \$100 (e.g., 2 children = \$2,000 total LGAL fee) up to a maximum of \$1,250 per party. If the Court finds that one party is unable to pay any or all of their share of the fee, the Court may order the other party to pay up to the full LGAL fee, subject to reallocation at the conclusion of the case. The investigation will not commence before the LGAL fees are paid in full. If a party with an ability to pay does not pay the LGAL fee within the time ordered by the Court or any additional time ordered by the Court, the non-paying party may, in the Court's discretion, be (1) defaulted on the contested issue(s), (2) allowed a reasonable continuance until the fee is paid, and/or (3) receive an adverse inference from the Court as to the issue(s) in dispute.

The LGAL investigation shall consist of a minimum of (1) an in-person conference with each party, (2) one or more in-person interviews with each child, and (3) such additional remote or in-person interviews and investigative efforts as the LGAL reasonably concludes is necessary to accomplish the task set by the Court. Once the investigation is completed, the LGAL shall submit a written report to the parties detailing the LGAL's allocation recommendations and the reasons for those recommendations; the report shall be of a quality so that, if necessary, it can be submitted to the Court. The Court shall provide a report template to participating LGALs. If, after review by the parties, the issue(s) remain contested, then the LGAL shall file the written report with the Circuit Clerk under seal with a "Notice of Confidential Information Within Court Filing" consistent with [III. Supreme Court Rule 138](#). At the request of either party, the LGAL shall have a personal conference (by telephone, remote or in person) with the parties to explain the findings in the report. All of the above-referenced services shall be included in the LGAL fee.

### ***Limited Guardian Ad Litem (Child reporter)***

As an alternative to the appointment of an LGAL, an attorney may be appointed to interview the child or children and report his or her findings (referred herein as a "LGAL-C"). In such a case, the task of the LGAL-C shall be to interview the child or children involved in the dispute and, when possible, to ascertain the child's perspective as to the factors listed in [750 ILCS 5/602.5\(c\)\(1\),\(2\),\(3\),\(4\),\(8\),\(12\),\(13\) and \(15\)](#) and [750 ILCS 602.7\(b\)\(2\),\(3\),\(5\),\(6\),\(7\),\(8\),\(11\),\(14\) and \(17\)](#). **The purpose of an LGAL-C appointment is not to make parenting time or decision-making authority recommendations but rather to report the child's perspective on relevant allocation factors in lieu of an *in camera* interview by the Court.** LGAL-C appointments will depend on the age and communicative ability of the child(ren). The attorney appointed is not an

attorney for the minor child, a representative of the minor child or a traditional guardian ad litem. The LGAL's findings may be persuasive but are not binding on the Court.

The LGAL-C fee will be \$500 per party where there is one child at issue. For each additional child, the LGAL fee shall increase by \$100 (e.g., 2 children = \$1,200 total LGAL fee) to a maximum of \$750 per party. If a party indicates an inability to pay, the Court will determine the issue in a summary fashion which may include completion of financial affidavits. Fee-shifting and Court inference provisions apply as with LGAL appointments.

The LGAL-C investigation shall consist of a minimum of (1) a telephone, video or in-person conference with each party, (2) one or more in-person interviews with each child, and (3) such additional remote or in-person interviews and investigative efforts as the LGAL-C reasonably concludes is necessary to accomplish the task set by the Court. Once the investigation is completed, the LGAL-C shall submit a report to the parties detailing the LGAL's findings; the report shall be of a quality so that, if necessary, it can be submitted to the Court. If, after review by the parties, the issue(s) remain contested, then the LGAL-C shall file the written report with the Circuit Clerk under seal with a "Notice of Confidential Information Within Court Filing" consistent with [Ill. Supreme Court Rule 138](#). At the request of either party, the LGAL-C shall have a personal conference (by telephone, remote or in person) with the parties to explain the findings in the report. All of the above-referenced services shall be included in the LGAL-C fee.

#### ***Other LGAL/LGAL-C considerations***

Once the written report is given to the parties and (if required) filed with the Circuit Clerk, the LGAL/LGAL-C's investigation will be deemed concluded. The parties shall set for hearing any contested issues that remain within 30 days of the issuance of the LGAL report.

The Court may order further investigation for good cause shown, however such requests will be generally discouraged in the absence of compelling facts. If the Court orders the LGAL/LGAL-C to conduct further investigation, the parties may be ordered to pay an additional fee of up to \$500/party. Unless otherwise ordered by the Court, an updated report shall be submitted under the same terms as the original LGAL/LGAL-C investigation, with the understanding that the report will be an update rather than an entirely new report.

As the "eyes and ears" of the Court, reports submitted by an LGAL or LGAL-C are subject to the Court's consideration at any hearing. A party may call the LGAL/LGAL-C to testify at the requesting party's expense. The requesting party should prepare and provide a subpoena directed to the LGAL/LGAL-C for their time to testify. The LGAL has the right to set a minimum fee and request payment prior to testifying.

Attorneys approved as an LGAL or LGAL-C are generally expected to accept at least 1 *pro bono* appointment per year.

#### ***"General" Guardian ad Litem Appointments***

The responsibilities of a guardian ad litem (GAL) in a family case whose responsibilities are not "limited" will potentially encompass ALL of the factors for determining the child(ren)'s best

interest under [750 ILCS 5/602.5\(c\)](#) and [750 ILCS 5/602.7\(b\)](#). The statute that addresses such appointments is [750 ILCS 5/506\(a\)\(2\)](#), which reads:

*The guardian ad litem shall testify or submit a written report to the court regarding his or her recommendations in accordance with the best interest of the child. The report shall be made available to all parties. The guardian ad litem may be called as a witness for purposes of cross-examination regarding the guardian ad litem's report or recommendations. The guardian ad litem shall investigate the facts of the case and interview the child and the parties.*

Accordingly, a GAL is expected to perform a more thorough review compared to that of an LGAL. In particular, and unless the parties agree otherwise or good cause is shown, a GAL is expected to conduct in-person interviews of all parties, children, extended relatives and associates (when relevant), to present a written report to the Court and the parties addressing all relevant factors in determining the child(ren)'s best interests, and to testify if the matter remains contested thereafter.

GAL fees are set by administrative order of the chief judge of the Circuit, currently at a rate of \$125.00 per hour. **Unlike LGALs, GALs tend to appear at all hearings and may charge by the hour for those services.** The Court may require one or both parties to pay a retainer to be deposited in the GAL's trust account and billed against at the hourly rate as set forth above, plus costs. Upon application to the Court, the parties may be ordered to pay an additional retainer when good cause is shown. Fee-shifting between parties as discussed above with LGALs shall also apply to GAL appointments.

### ***Orders for Home and Background Investigations***

If the allocation dispute remains unresolved and good cause is shown, the Court may order a home and background investigation by an evaluator pursuant to [750 ILCS 5/604.10\(b\)](#). Such an appointment is the most thorough review generally ordered in family case, and therefore the specifics regarding fees and fee-sharing shall be addressed on a case-by-case basis. However, if only one party requests a home and background investigation, the initial cost of said investigation will generally be the responsibility of the requesting party.

**Family Cases with Minor Children Which Only Involve Financial Issues:** In cases with minor children where no parenting issue is in dispute, the Court requires only that the parties complete the parenting education requirement set forth above and submit an agreed [parenting plan](#) containing the details required under [750 ILCS 5/602.10\(f\)](#). Cases involving financial disputes are discussed in more detail below.

## **VI. RESOLUTION OF FINANCIAL ISSUES**

**Mediation of Financial Issues:** The "Champaign County Court Referred Program For Mediation of Financial Issues In Domestic Relations Case" has been approved by the Illinois Supreme Court and by local administrative order.

The rules governing this program are set forth [at this link](#). The mediation may relate to any financial or property issue in any action, pre-dissolution, post-dissolution or paternity. The Orders to be used in such mediation are also attached to the rules.

The Court will order financial mediation if requested by both parties. If mediation is ordered, the mediator must be selected from the list of “Court-Approved Financial Mediators.” If mediation is ordered, the following rules apply:

- (1) Discovery may, at the discretion of the attorneys, continue throughout mediation;
- (2) The attorneys may, at their discretion, be present at the mediation;
- (3) Both parties must sign confidentiality agreements prior to commencement of the mediation;
- (4) The Court will hold no hearing on property or financial issues as long as the mediation is in progress; and
- (5) Both parties must pay the mediator for at least one (1) hour of mediator time at his/her established mediation hourly rate before the mediation will commence.

**Interim Attorney’s Fees and Costs:** Unless good cause is shown, motions for interim fees and costs will be dealt with on a non-evidentiary and summary basis pursuant to [750 ILCS 5/501\(c-1\)\(1\)](#). The motion must provide one or more affidavits that delineate relevant factors outlined in section [501\(c-1\)\(1\)](#) as well as a listing of interim fees charged by the attorney, paid by the party, paid by the opposing party or any unpaid amount. Failure to supply detailed work activity information to support the motion may result in a summary denial of relief. Upon receipt of the motion, the Court will order the other party to file a response within 21 days. Responses to motions for interim fees shall disclose the amount of retainer or other payments previously paid to the responding party’s attorney (whether by the responding party or on behalf of the responding party), costs incurred by the responding party and whether these costs are paid or unpaid, as well as other relevant factors outlined in section [501\(c-1\)\(1\)](#). The responding party must then also send a courtesy copy of the response to the chambers of the Judge hearing the motion. Failure to file a response may result in a finding against the responding party. Upon receipt of the response, the Court will normally enter an appropriate docket entry or brief written order.

**Temporary Child Support & Temporary Maintenance Hearings:** Unless agreed to by the parties or where good cause is shown, temporary child support or maintenance will be dealt with on a summary basis pursuant to [750 ILCS 5/501\(a\)\(2\)](#) during an expedited call or a special setting. A courtesy copy of the motion for temporary relief should be sent to the judge’s chambers prior to hearing. Motions must attach an affidavit as to the factual basis for the relief requested and supply the following information: allocated parenting time, financial affidavits, tax returns, pay stubs, banking statements and other relevant documentation and a proposed figure with supporting calculations. Upon receipt of the petition, the Court will order the other party to file a response within 21 days which contains the same information as the Motion, including a proposed figure with supporting calculations. Failure to file a response may result in a default. If the Court finds good cause is shown, an evidentiary hearing may be held. If the Court finds that there is good cause for an evidentiary hearing, the motion will be placed on the expedited call. All attached documents shall be redacted in regard to confidential information and the original documents shall be sealed by the Court upon the filing of a “Notice of Confidential Information Within Court Filing.”

**Child Support Calculations:** Child support is calculated pursuant to [750 ILCS 5/505](#) and particularly section (a)(2) of that statute, by applying a formula to the net income of both parties.

State-approved child support estimators are available online (a question-based dialogue can be found [at this link](#); a more direct entry calculator used by attorneys can be found [at this link](#)).

“Net income” is calculated either by a standardized” or “individualized” method. “Standardized” net income is calculated by applying a party’s gross income to table provided by an Illinois state agency to arrive at a result; if this method is used, a party need only enter their gross monthly income into the online calculator at the link above to determine net income. “Individualized” net income applies the various deductions listed by statute to achieve a truly individual determination of a party’s net income; parties can use the online calculator with individualized income, but they will need to “show their work” separately to do so.

If child support is being sought and the parties agree on the methodology to be used (standardized or individualized), both parties shall submit their calculations using the same methodology. If the parties do not agree on the methodology, the parties shall submit their calculations using both methods and explain to the Court, in their view, which should be used. The Court favors the standardized method of calculating income, however it will apply the individualized method when appropriate.

Child Support calculations using the online calculator require one party to be designated as the “Custodial Parent” (CP) and the other to be the “Non-Custodial Parent” (NCP). This is a limitation of the form and is not considered, by itself, an admission regarding allocation of parenting time or of any parental decision-making authority. However, accurate estimation of the number of nights that the child(ren) will spend with each party is essential to correctly calculating child support.

**Uniform Support Orders/Notices of Withholding:** All orders addressing child support shall be accompanied by [a Uniform Order for Support](#); all withholding notices must be consistent with current Federal Income Withholding For Support forms ([OMB 0970-0154](#));

**Petitions For Final Contribution to Attorney’s Fees:** Any petitions for a final contribution to attorney’s fees from the other party filed pursuant to [750 ILCS 5/508\(a\) or \(c\)](#) and [750 ILCS 5/503\(j\)](#) must include an itemized statement of services rendered from the petitioning attorney. Any petition under 508(c) must attach the written engagement agreement between counsel and the Client. Please make sure that all hours are totaled, the specific hourly rate is stated and the amount requested for contribution is specifically noted. If final contribution is sought for the services of a prior attorney or attorneys of the petitioning party, a similar itemized statement from the prior attorney or attorneys must also be attached. Failure to comply with the statutory requirements may result in denial of relief.

## **VII. MISCELLANEOUS ISSUES**

**Protection Against Identity Theft:** Any filing that contains personal information such as social security numbers, checking and savings account numbers, investment, pension – type account numbers and credit card numbers should be abbreviated (last four digits) and submitted in compliance with [Ill. Sup. Ct. R.138](#), which requires, in certain situations, a “Notice of Confidential Information Within Court Filing” to be filed.

**Impounding Court Documents and Filings:** Impoundment will be allowed for adoption cases, written reports of the limited or general guardian ad litem, psychological evaluations, written reports

by psychologists, social workers or psychiatrists, written [604.10\(b\)](#) evaluations, documents that are sealed at the request of the parties solely to protect social security numbers (e.g., QDROs and financial affidavits) and other documents where good cause is shown. In lieu of filing a sensitive document (e.g., a Marital Settlement Agreement), oral representations on the record can be made of the agreement, and one party can be ordered by the Court to retain the original agreement in the event of a dispute.

**Bifurcation of Dissolution Proceedings:** [750 ILCS 401\(b\)](#) directs that a judgment of dissolution of marriage shall be granted at one or both parties' request prior to resolution of ancillary issues in the case (e.g., parenting allocations, support, maintenance, property divisions) under "appropriate circumstances." The Court will generally find that appropriate circumstances exist to bifurcate a dissolution proceeding, provided that the moving party or parties articulate a good faith reason for immediate dissolution and the Court is assured that resolution of ancillary issues will not be prejudiced by doing so.

**Contempt Petitions & Rules to Show Cause:** Petitions for Adjudication of Indirect Civil Contempt may be accompanied by a request to the Court for a Rule to Show Cause ("Rule"), which is an order directing the alleged violating party to demonstrate why he/she should not be held in contempt for violating an existing order. A Rule shall only issue upon the filing of a verified contempt petition alleging detailed facts demonstrating that an order has been violated and that the offending party's actions are willful, contumacious and without just cause. If a Rule is issued, the matter will be set for hearing, and the burden of proof shall be on the alleged offending party to show why they should not be held in contempt of court. Alternatively, a hearing on the contempt petition may be set without a Rule and the complaining party will have the initial burden of proof.

**Body Attachments:** Except for the enforcement of a child support order, the Court will not issue a body attachment on an order to show cause for the non-appearance of the person to whom the order is directed unless there has been proof presented of personal or abode service. See [735 ILCS 5/12-107.5](#) and [Illinois Supreme Court Rule 105](#).

**Oral Agreements:** The Court will only approve a permanent Marital Settlement Agreement or Parenting Plan that is submitted in writing. The Court will entertain an oral recitation of the parties' agreement on the record, particularly in lieu of moving forward on a scheduled contested hearing or trial. Oral agreements shall be recited in the presence of all relevant parties, and thereafter shall be binding on those parties. The Court may set a deadline by which written orders encompassing the agreement must be entered. See [750 ILCS 5/502](#).

**File-Stamped Documents and Signature Files:** All pleadings, motions and other documents must be filed with the Champaign County Circuit Clerk's Office. Pursuant to [Illinois Supreme Court Rule 9](#), parties must file documents electronically in all civil matters unless excused by written order. Unrepresented parties can learn more about filing documents electronically [at this link](#). Attorneys representing clients shall generally be expected to file documents electronically unless good cause is shown. As with signature files in the past, the Court will use all reasonable effort to electronically sign the Order within 24 hours of its receipt. Conforming signatures are generally acceptable.

**Orders of Protection and Stalking No Contact Orders:** Pursuant to [750 ILCS 60/202\(c\)](#), petitions for Order of Protection filed as an "OP" case where there is a pending family case may be

consolidated, with further proceedings and filings ordered filed in the family case. Parties filing a petition under an OP heading must immediately disclose the pending family case and vice-versa.

**Hearings On Motions, Dismissals, and Withdrawals of Counsel:** [Illinois Supreme Court Rule 13\(c\)\(2\)](#) requires that an attorney seeking to withdraw do so with leave of the Court and give notice to all parties of record. Unless another attorney is substituted, the withdrawing counsel must give notice of the motion for leave to withdraw by personal service, certified mail, or a third-party carrier.

[Circuit Rule 2.1\(h\)](#) requires that the moving party obtain a hearing date within 90 days of a Motion being placed on file. If an allotment is not obtained from the Court within that time frame, the Court may deem the Motion withdrawn and deny the relief requested with, or without, leave to refile. Similarly, [Circuit Rule 3.4\(a\)](#) provides for summary dismissal of cases with no action of record for a period of 12 months or more. Any cause of action or claim dismissed may be reinstated on the motion of any party or the Court as a matter of informed judicial discretion.

**Matters Taken Under Advisement:** Any matter taken under advisement shall be ruled upon by the Court within 60 days unless the Court advises the parties that more time is needed. Upon completion of the matter, the Court may email the parties a copy of the Order or docket entry, followed by a hard copy being sent by regular mail.

**Broken Links, Errors and Suggestions:** This protocol will continue to be a work in progress, not set in stone; please feel free to offer constructive criticism as to form and substance, as well as suggestions for improvement.