

REVISED PROTOCOL FOR FAMILY LAW CASES

The following revised Protocol is effective January 1, 2021. All prior Protocols, or related Amendments, are revoked.

Assignments

Judge Limentato and Judge Sullivan are the judges assigned to all family law cases where one or both parties are represented by counsel and/or where there is child support enforcement involvement. Judge Sullivan is the judge assigned to hear all family law cases where both parties appear pro se and there is no attorney involvement. Subject to the needs of the family law division, Judge Benjamin (or any other judge) may also serve to address any family law cases. Other judges will assist in the handling of requests for protective orders.

Special Pro Se Docket and Child Support

Judge Sullivan will be handling a special call for family law cases where both parties appear pro se and there is no attorney involvement. The scheduling for such cases should be through Judge Sullivan's office. Cases with attorneys entering appearances before any initial hearing may be referred back to Courtroom "H". Cases involving child support issues where the child support enforcement division of the State's Attorney's office is involved shall only be placed on Judge Sullivan's child support enforcement call.

Uncontested Call

In calendar year 2021, Judge Limentato in Courtroom "H" will generally hold an uncontested family law call at 1:15 p.m. on Monday and Wednesday. The Court will not hear any contested matters during that call. The types of matters envisioned by the call are uncontested grounds hearings, change of name proceedings, uncontested ancillary hearings, motions to withdraw, status hearings, pre-trial conferences, and initial and subsequent case management conferences. In order for your case to be placed on the call for a particular day, the case number must be given to Ms. Stovall, in Judge Limentato's office, before 2:00 p.m. on the day before the call. If you have clients that are uncomfortable with appearing in front of a large number of people on an uncontested matter, such cases may be individually scheduled for 8:30 or 8:45 a.m., on most days, in Courtroom "H" or Courtroom "G".

Furthermore, the Court is temporarily allowing agreed orders, including the entry of judgment of dissolution, when such orders are signed by all parties and counsel and comply with all other elements required particular to the proposed order. As an example, for a judgment of dissolution, if applicable, a marital settlement agreement, parenting plan, completion of parenting classes, etc., must all be agreed to and/or completed.

Expedited Call

In calendar year 2021, Judge Limentato in Courtroom “H” will reserve time on a periodic basis for all emergency and temporary relief matters and all contempt matters. These matters will normally be heard on Tuesday and Thursday at 1:15 p.m. The Court reserves the right to limit the number of cases set on these dates and the length of any settlement conferences requested during the call. The Court may send overflow cases to Judge Sullivan and to any other available judge. The Court will not attempt to distinguish between emergency and non-emergency matters. No matter should be set for the expedited call unless it is reasonably expected to take 2 hours or less to complete.

Uncontested dissolutions/proveups may not be set on this call without permission of the Court. The types of matters envisioned by this call are motions for temporary allocation of parental responsibilities (decision-making/parenting time), private child support enforcement, temporary possession of the marital residence, motions regarding other parenting time disputes, such as holiday parenting time issues, that must be resolved immediately, matters pertaining to adjudications of indirect civil contempt, all types of motions to dismiss, all motions pertaining to discovery issues, and plenary orders of protection. The Court will schedule cases on this call for contested ancillary and permanent allocation of parental responsibilities proceedings or any type of modification proceeding when specifically ordered by the Court. Motions to modify existing judgments, contested ancillary hearings and contested permanent allocation of parental responsibilities hearings should not be placed on this call unless specifically ordered by the Court. No case involving motions for interim attorney’s fees and costs (pre-judgment and post-judgment), motions for temporary child support, and motions for temporary maintenance shall be placed on the expedited call without leave of court for good cause shown. Such motions shall be handled in an expedited, non-evidentiary fashion as described below. Please note that, unless specifically ordered by the Court, the only witnesses that will be allowed to testify in temporary allocation hearings are the parties and the LGAL.

In order for your case to be placed on the call for a particular day, the case number must be given to Ms. Stovall, in Judge Limentato’s office, before 2:00 p.m. on the day before the call. The moving party is required to provide adequate notice to the opposite side, unless both parties have agreed on the date. The Court, of course, does have discretion to reduce the fourteen (14) day notice requirement in the appropriate circumstances, upon an ex parte request to the Court, prior to notice being sent. The Court will base its decision to reduce the time requirement only on the pleadings presented to it at the ex parte hearing. The Court will rarely grant a reduction in notice for motions relating only to financial issues. If less than fourteen (14) day notice is authorized by the Court, notice by personal service and electronic mail shall promptly be given to the opposite side.

PARENTAL RESPONSIBILITIES

Contested Allocation Of Parental Responsibilities Proceedings

All allocation of parental responsibilities proceedings involving decision-making and parenting time shall be resolved within eighteen (18) months from the date of service of the petition to the entry of the allocation judgment. In the event this time limit cannot be met, the Court shall make written findings as to the reasons for the delay. Motions to continue allocation cases shall only be granted for good cause shown.

All parties filing a petition for allocation of parental responsibilities for decision-making and/or parenting time shall file, either jointly or separately, a Parenting Plan within one-hundred twenty (120) days after service of or the filing of any petition for allocation of parental responsibilities. The time period for filing a Parenting Plan may be extended by the Court for good cause shown. Any Parenting Plan submitted must be in compliance with and must address all the content required under 750 ILCS 5/602.10(f).

Pursuant to Illinois SC Rule 923, all contested allocation and relocation proceedings shall be governed by Supreme Court Rule 218 case management proceedings. In all contested allocation and relocation proceedings, an initial case management conference pursuant to Rule 218 shall be held not later than ninety (90) days after service of the petition. If relocation is in dispute, the Court will enter a referral to mediation. If allocation of -parenting time is in dispute, the Court will enter a referral to mediation. If allocation of decision-making is in dispute, the Court shall consider a referral to mediation, an appointment of a limited guardian ad litem or a 604.10(b) evaluation. The Court may also address any other appropriate issues with the parties at the initial case management conference. A full case management conference pursuant to Supreme Court Rule 218 shall be held not later than thirty (30) days after mediation has been completed or after the completion of a limited guardian litem investigation or after the completion of the 604.10(b) evaluation. At a subsequent case management conference the Court may appoint an attorney for the child, a traditional guardian ad litem or a child's representative and may address any appropriate issue. The Court may also set a subsequent case management conference or a trial date. All discovery shall be completed not later than 60 days before the trial date unless said requirement is waived by both parties. At the initial and/or subsequent case management conference the Court shall issue a "Case Management Order" as contained herein.

It is the responsibility and obligation of the Petitioner or his/her attorney in a contested allocation case to request and schedule an initial case management conference with the Court not later than ninety (90) days after service of the petition on the Respondent or after notice is sent to Respondent. It is also the responsibility and obligation of the Petitioner or his/her attorney to request and schedule a subsequent case management conference not later than thirty (30) days after mediation has been completed or after the completion of the limited guardian investigation or after the completion of a 604.10(b) evaluation. The failure of the Petitioner or his/her attorney to

schedule such hearings may subject that party to appropriate sanctions imposed by the Court.

Limited Guardians Ad Litem In Contested Allocation for Decision-Making Matters

When the parties, after completing mediation or after mediation is waived by the Court, represent to the Court that allocation of parental responsibilities (decision-making) is at issue in “F” or “D” cases, the Court may appoint a limited guardian ad litem 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. This appointment is pursuant to 750 ILCS 5/506(a)(2).

The Court would emphasize that the objectives of mediation are quite different than the role envisioned by the limited guardian ad litem which is, in the appropriate circumstances, to make an allocation recommendation to the Court. The attorney appointed is not an attorney for the minor child, a representative of the minor child or a traditional guardian ad litem.

Unless otherwise ordered by the Court, the LGAL will only be appointed for permanent allocation matters, not temporary allocation matters. The Court will not appoint a limited guardian ad litem in cases where only allocation of parental responsibilities (parenting time) is in dispute, unless both parties agree and the Court finds the circumstances appropriate for such an appointment. If there is a request in the pleadings for decision-making or relocation, both parties must state on the record at the time of a request to appoint an LGAL that one of these issues is still in dispute. If the Court determines that the appointment was not made in good faith for decision-making or relocation, but rather for parenting time, the Court reserves the right to reallocate the LGAL fee to the violating party, to proceed on contempt or take any other action permitted under the law.

The Court will suggest an LGAL to be appointed, from a list of approved LGALs. Either party may object once. For instance, the Court may suggest LGAL-A. Petitioner objects. The Court then suggests LGAL-B. Respondent objects. The Court then selects LGAL-C, who will be appointed. The Court will select the LGAL on a rotating basis to ensure comparable workloads.

The LGAL fee will be \$450 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. If the Court finds that one party is unable to pay, 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 guardian ad litem will not start his/her investigation until the fees are paid. If a party 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 be defaulted on the issue of allocation, the case may be continued until the fee is paid or an adverse inference may be drawn by the Court as to the allocation issue.

In general, an LGAL is not required to do any additional investigation once he or she makes the recommendations known to the parties. However, the Court may order further investigation. This would be in matters where the LGALs original investigation occurred many months prior, there has been no further activity by the LGAL and there is a request of the parties to do further investigation. If the Court orders the LGAL to conduct further investigation, the parties may be ordered to pay an additional fee to the LGAL of up to \$450/party. If the parties request a written report from the LGAL for trial, the Court will assess an additional fee of \$150/party for preparation of the report. The LGAL would then be required to submit their report 30 days prior to the first date of trial.

The LGAL is the “eyes and ears” of the Court. Therefore, the Court will consider the written report of the LGAL at any hearing. A party may call the LGAL to testify at the requesting party’s expense. The requesting party should prepare and provide a subpoena directed to the LGAL for their time to testify. The LGAL has the right to set a minimum fee and request payment prior to testifying. The limited guardian ad litem will be expected to have a conference with both parents in the guardian’s office, interview the minor or minors involved, if appropriate, and interview any significant other individuals involved, if appropriate. The limited guardian ad litem will then meet with the attorneys to explain his or her recommendation and, if Ordered by the Court, will write a report to the Court regarding his or her recommendation. Any written report by the LGAL should be filed under seal with a “Notice of Confidential Information Within Court Filing”. The limited guardian ad litem’s appointment will then be vacated.

If the allocation dispute is not then resolved and both parties or one party so requests, the Court will order a home and background investigation by an evaluator pursuant to 750 ILCS 5/604.10(b). If only one party requests a home and background investigation, the initial cost of said investigation will be the responsibility of the requesting party.

Family Law Cases Not Involving Contested Allocation

Supreme Court Rule 218 case management procedures are not applicable to family law cases not involving contested allocation issues. In order to obtain a contested hearing date for any of these non-allocation issues (pre or post-dissolution cases, family cases, and all petitions to modify), all cases must first have a pre-trial conference. The Court at the Pre-Trial Conference will enter a “Family Law Pre-Trial Order” using the form contained herein. The Court requires the parties to also file an updated or amended financial affidavit in all cases in which there is a dispute involving property, debts, educational expenses, temporary or permanent child support, temporary or permanent maintenance or other financial issues in a “D” or “F” or other family law case. An approved “Financial Affidavit” may be obtained from Ms. Stovall in Judge Limentato’s office. All Financial Affidavits must be supported by documentary evidence including, but not limited to, income tax returns, pay stubs, and banking statements. Unless the Court otherwise directs, any affidavit or supporting documentary evidence submitted shall not be made part of the public record but should be available to the Court either by a

sealed confidential filing or securely retained by the parties or by the filing of a redacted copy to protect confidentiality.

Joint Allocation Of Parental Responsibilities (Decision Making) Issues

Generally, both parties must appear personally before the Court for the Court to approve a permanent Parenting Plan where there is a joint allocation of the significant decision-making responsibilities or a division of the significant decision making responsibilities. A party's appearance is not required if counsel appears in court on behalf of the party and there is a signed agreement by that party. At that time the attorneys for both parties or both parties must be prepared to make representations to the Court as to any order of protection proceedings between the parties and any criminal cases involving domestic violence where one of the parties is an alleged victim or any DCFS involvement with the parties. In addition, both attorneys or both parties must be prepared to make representations to the Court that in their opinion the joint allocation of or the division of or allocation of significant decision making responsibilities is in the best interest of the child or children, the parties have the ability to cooperate, now and in the future, to make joint allocation or a division of parenting responsibilities for decision making work, and that the parties have a capacity to substantially comply with the proposed Parenting Plan. Except for good cause, no such joint or divided allocation will be approved without a written Parenting Plan containing all the required contents of a Parenting Plan under 750 ILCS 5/602.10(f) and the attorneys or the parties must represent that the proposed Parenting Plan contains all the provisions required by section 602.10(f).

Joint Allocation Of Parental Responsibilities (Parenting Time) Issues

Unless otherwise ordered by the Court, both parties do not need to appear if the Parenting Plan does not allocate significant decision making responsibilities between the parties. In such situations, an attorney or one party must represent that the proposed Parenting Plan contains all the required content under 750 ILCS 5/602.10(f).

Decision-Making

The law requires the Court to establish who makes major-life decisions based on the best interest of the child(ren). There is no presumption that one party receive all decision-making. There is also no presumption that decision-making should be joint between the parties. Each case is unique and must be judged on the facts and circumstances presented. As to extracurricular activities, joint decision-making will be the Court's general preference. This is to avoid one party enrolling the child(ren) in too many activities or activities on the other party's parenting time as well as to ensure that both parties are engaged in activities that they and the child(ren) want.

Parenting Time

The law requires the Court to establish parenting time based on the best interest of the child(ren). Each case is unique and must be judged on the facts and circumstances presented. There is no presumption that a party is entitled to equal parenting time. There is also no presumption that one parent receive what has been historically been called “standard parenting time.” The Court must determine what is in the best interest of the child(ren) by considering numerous factors (child support considerations are not a factor).

The Court may establish parenting time anywhere from a) all to one party and none to the other to b) equal parenting time. The Court will consider all the statutory and non-statutory factors but will closely look at whether: a) there is joint decision-making, b) the parties live near each other, c) which party has cared for the child(ren) on a regular basis in the recent past, d) substance abuse or violence, e) a parent is unwilling or unable to encourage a positive relationship between the child(ren) and other parent and f) the age of the child(ren).

The standard, or default, parenting time that will generally be ordered by this Court for a parent in a situation where the other party has all the significant decision making responsibilities is, substantially, every other Friday after school until Monday before school, one evening visit per week, alternating major holidays and 4-8 weeks in the summer, depending on the age of the child(ren).

The Court will 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.

Parenting Education

All parties prior to the entry of a permanent allocation order in an “F” or “D” case shall be required to attend and complete parenting education classes and file a certificate of completion with the Court. Unless good cause shown, this shall be done prior to mediation, unless mediation is waived and then no later than sixty (60) days after the initial case management or pre-trial conference. Attendance at parenting education classes may be excused for good cause shown. The Court may impose appropriate sanctions on any party for failure to complete the program and for failure to file the certificate. If the parties have not completed parenting education classes prior to the initial case management conference or prior to the pre-trial conference, an Order shall be entered.

At this time, the Court is accepting completion of online courses only through Family Service of Champaign County’s Children First classes, or those offered by Children In Between Online, at online.divorce-education.com/. Remember to file your certificate of completion with the Circuit Clerk. Four hours of instruction are required for either the in person or online format.

FINANCIAL ISSUES

Final Pretrial Conference

In all cases where financial issues are scheduled for a trial of one day or more, the issues are complex or the marital estate is large, the Court may set a final pretrial hearing on a Friday morning or some other agreed upon date. Such hearings can be set in other cases at the request of both parties or on the Court's own motion. The final pretrial will be within 30 days of the trial date.

At least 3 days before the final pretrial hearing date, the Court may order that the parties shall jointly or separately file a Final Pretrial Memorandum, which must conform substantially to the sample attached to this protocol. The purpose of the Memorandum is to identify and narrow the contested issues, ascertain the parties' positions, and to ensure the time allotted for trial is sufficient.

A Final Pretrial Conference shall take place in open court or in chambers. If in chambers, at the option of the attorneys and at the discretion of the Court, the clients may be present. At the conclusion of the conference in chambers and at the request of either party, a record shall be made in open court, except as to settlement discussions. One objective of the conference is to facilitate settlement. At the request of the parties or their counsel, the judge may express his or her tentative thoughts in order to facilitate settlement without the expense and emotional anguish of continued litigation. If

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 available from Ms. Stovall in Judge Limentato's office. 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) No hearing will be given by the Court 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 his/her established mediation hourly rate before the mediation will commence.

Interim Attorney's Fees and Costs

Unless good cause is shown, interim fees and costs will be dealt with on a non-evidentiary and summary basis pursuant to 750 ILCS 5/501(c-1)(1). If a motion or request for interim attorney's fees and costs (pre-judgment or post-judgment) is filed, a courtesy copy of the filing must be sent to Judge Limentato's or Judge Sullivan's chambers. The motion or request 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 sufficient 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; the response shall include the amount of retainer or other payments previously paid to the responding party's counsel or on behalf of the responding party, costs incurred and whether they are paid or unpaid, and relevant factors outlined in section 501(c-1)(1). The responding party must then also send a courtesy copy of the response to Judge Limentato's or Judge Sullivan's chambers. Failure to file a response may result in a finding against the responding party. Upon receipt of the response, the Court will normally then enter an appropriate docket entry or order disposing of the petition.

Temporary Child Support And 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). If the matter will be set for hearing, counsel should contact Ms. Stovall for a setting. A courtesy copy of the motion for temporary child support or temporary maintenance must be sent to Judge Limentato's or Judge Sullivan's chambers. Any Motion 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. Failure to supply sufficient information to support the motion may result in a summary denial of relief. 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. The Financial Affidavits shall be filed with the Court. 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

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.

In many situations, the parties submit parenting plans that allow every other weekend, one night per week, alternating holidays and half of summer /winter vacation. The parties oftentimes do not indicate if the “non-custodial parent” has 146 or more overnights per year. To assist the Court in child support calculations, the parties must advise the Court as to the number of overnights for each party. In this way, the Court can properly determine whether “income shares” applies and, if so, conduct a proper analysis.

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 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.

MISCELLANEOUS ISSUES:

Mediators and Guardian ad Litem

In all types of family law matters, the Court may appoint a Mediator or Guardian ad Litem. These individuals must meet all applicable statutory and Supreme Court educational and other requirements. The most current list of approved Mediators and Guardian ad Litem can be found at the website for the Sixth Judicial circuit - <http://sixthcircuitcourt.com/mediation.php>.

Protection Against Identity Theft

The Court continues to be concerned about the amount of personal information that is contained in our family law court files, particularly in exhibits tendered to the Court in contested hearings. These exhibits frequently include social security numbers, checking and savings account numbers, investment, pension – type account numbers and credit card numbers. The Court requests that in all certificates of dissolution and on all exhibits or other documents tendered to the Court such identifying information be limited

to the last four digits of each account, credit card or number in question. In regard to this issue, please note Supreme Court Rule 138, which requires, in certain situations, a “Notice of Confidential Information Within Court Filing” to be filed. If such a notice is filed, please ensure that the notice is filed directly with Judge Limentato or Judge Sullivan. The documents will then be automatically impounded by the Court.

Impoundment Of Court Documents And Filings

The Court will not generally impound documents, pleadings or other papers filed with the Court. The general procedure in this regard is that once a document, pleading or paper is filed, it stays in the Court file. If the parties wish to keep a Marital Settlement Agreement confidential, it should not be filed with the Court. 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. The only exceptions are the written reports of the limited guardian ad litem, psychological evaluations, written reports by psychologists, social workers or psychiatrists, written 604.10(b) evaluations and documents that are sealed at the request of the parties solely to protect social security numbers, such as qualified domestic relations orders.

Body Attachments On Orders To Show Cause

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.

Oral Agreements

The Court will not approve any permanent Marital Settlement Agreement or Parenting Plans that are not in writing at the time of the prove-up. If the parties request to do an oral prove-up, this Court will first determine whether good cause exists to do so. If good cause is found, the oral agreement will be binding on the parties and the Court may set a deadline by which the Order must be entered. See 750 ILCS 5/502.

File-Stamped Documents and Signature Files

Pursuant to County Administrative Order 2016-06, no filings are to be accepted in court and all court documents to be filed in Champaign County must be filed with the Champaign County Circuit Clerk’s Office. The parties must obtain a file-stamped copy of any signed order from the Circuit Clerk.

Pursuant to Illinois Supreme Court Rule 9, parties must file documents electronically in all civil matters. 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. The Court will no longer accept hard-copy agreements or Orders to be entered in person or by mail.

This includes Orders being mailed to or brought to chambers or to the courtroom during 1:15 pm calls. The Court, in its discretion, may allow hand-written Orders during its 1:15 pm expedited call due to the nature of the call and in some pro se child support matters. In such cases, the Court would electronically file the Orders.

Counsel is not required to supply the Court with a courtesy copy of all filings but only those that need the Court's attention. This includes filings that the Court must take action on such as a Request for Interim Fees/Response or a Request to waive 14-day notice of hearing.

Settlement Conferences

In addition to a final pretrial conference in financial matters, all family law judges are available to conduct settlement conferences in any type of case if requested, orally or in writing, by both parties. By agreement, settlement conferences with attorneys only may be conducted telephonically. At the option of the attorneys, the settlement conference may be held with the judge hearing the case or with a judge who will not be hearing the case. At the option of the attorneys and at the discretion of the Court, the clients may be present for such conferences. The objective of the conference is to facilitate settlement by having the judge be presented with a short oral or written presentation of the facts of the case by both parties. The judge would then express his or her tentative thoughts in order to facilitate settlement without the expense and emotional anguish of continued litigation. If, after the settlement conference, one or both parties wish to have the case referred to another family law judge, such a referral will be made by the judge that conducted the settlement conference. The one exception is that when a settlement conference is held immediately before any scheduled substantive hearing date, no referral to another judge will be made.

Orders of Protection and Stalking No Contact Orders

Where there is a pending "F" or "D" case and one of the parties files a Petition for either emergency relief or a plenary order, the "F" or "D" court file shall be provided to the Court at the first appearance on the Petition. Pursuant to 750 ILCS 60/202(c), the Petition may be consolidated with the "F" or "D" for further proceedings and all future filings must be filed in the "F" or "D" case. The purpose of this procedure is to ensure that the trial judge is aware of the pending divorce or family law case and to prevent Petitioners from using the Petition as a tool to gain an advantage in the pending "F" or "D" case, especially as it affects parental responsibilities.

Hearings On Motions, Dismissals, and Withdrawals of Counsel

Rule 13(c)(2) of the Illinois Supreme Court Rules requires that an attorney seeking to withdraw must do so with leave of the Court and 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.

Rule 2.1(h) of the Rules of the Sixth Judicial Circuit 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.

Rule 3.4(a) of the Rules of the Sixth Judicial Circuit requires that where there has been no action of record for a period of 12 months, the Court may summarily dismiss the cause of action or any claim pending without prejudice. 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.

Procedural and Document Requirements

The judges handling family law assignments will handle their docket and will schedule cases in whatever fashion they decide. All family law judges will, however, require the following:

1. A Certificate of Dissolution must be filed before a grounds Judgment Order will be entered;
2. A Uniform Order For Support must be submitted in all cases where child support is ordered before a Judgment Order will be entered;
3. All Withholding Notices must be substantially consistent with the revised Federal Income Withholding For Support forms effective May 31, 2012 (OMB 0970-0154);
5. All parties will be required to file at the time of filing or prior to the hearing (if a hearing is permitted) an updated, amended or original Financial Affidavit in all cases involving property, debts, educational expenses, temporary or permanent child support, temporary or permanent maintenance and any other financial issue in any family law case;
8. Adherence to all pre-trial, pre-trial conference and case management proceedings referred to herein will be required by all family law judges.

Dated: _____

Sam Limentato, Presiding Judge of the
Champaign County Family Law
Division.

IN THE CIRCUIT COURT
FOR THE SIXTH JUDICIAL CIRCUIT
CHAMPAIGN COUNTY, ILLINOIS

)	
Petitioner,)	
)	
vs.)	No. _____
)	
)	
Respondent.)	

CASE MANAGEMENT ORDER

A. Status

- Subsequent Case Management Conference
- Initial Case Management Conference

B. Parenting education classes Compliance:

In cases involving the initial allocation of parental responsibilities (decision-making) the Petitioner and Respondent are required to attend and complete Parenting education classes.

- Petitioner has/has not attended Parenting education classes.
- Respondent has/has not attended Parenting education classes.
- Parent Education is not applicable or is excused for good cause shown.

C. Parenting Plan:

- Both parties are ordered, individually or jointly, to file a proposed Parenting Plan consistent with 750 ILCS 5/602.40 (b) on or before _____.

D. Allocation Of Parental Responsibilities

- Allocation of Parental Responsibilities (decision-making) is in dispute;
- Allocation of Parental Responsibilities (parenting time) is in dispute;
- Relocation is in dispute;
- The parties are ordered to mediate with _____;
- _____ is appointed Guardian Ad Litem, Child Representative, Attorney for the child or children;

- _____ is appointed pursuant to 750 ILCS 5/604.10(d) as a Limited Guardian Ad Litem to conduct an allocation investigation and is ordered to file a written report with the Court and send a copy to both parties;
- _____ is appointed pursuant to 750 ILCS 5/604.10(b) to conduct an allocation investigation and evaluation and is ordered to file a written report with the Court and send a copy to both parties; and
- _____ is appointed pursuant to 750 ILCS 5/604.10(c) to conduct an allocation investigation and evaluation and is ordered to send a copy of the report to both parties.

E. Discovery Issues

- Financial Statements have been/will be filed on _____.
- Identification and disclosure of all expert (independent and controlled) and lay opinion witnesses shall be by _____.
- Discovery will be completed by _____.
- _____

F. Scheduling Of Hearings

- The case is set for a subsequent case management on _____ at _____ in Courtroom _____;
- The case is set for hearing on the relocation issue on _____ at _____ in Courtroom _____;
- The case is set for hearing on all allocation of parental responsibilities (decision-making/parenting time) issues on _____ at _____ in Courtroom _____;
- The case is set for FINAL PRETRIAL CONFERENCE on financial issues on _____ at _____ in Courtroom _____. A Final Pretrial Memorandum must be filed jointly or separately within 3 days of the hearing. Final hearing on financial issues on _____ at _____ in Courtroom _____.

Dated this _____ day
of _____, 20_____

Judge Presiding

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
CHAMPAIGN COUNTY, ILLINOIS

)	
Petitioner,)	
)	NO. <u> D </u>
vs.)	<u> F </u>
)	<u> OP </u>
Respondent,)	<u> C </u>

FAMILY LAW PRE-TRIAL ORDER

IT IS HEREBY ORDERED:

1. All Opinion Witnesses and Dissipation Claims shall be disclosed by _____ . The disclosure shall include, at a minimum, the full name of the witness, the address of the witness, and a concise statement of each opinion the witness will give at trial.

2. All Discovery shall be completed by _____ .

3. All updated or amended Financial Affidavits to be on file by _____ .

4. The issues to be litigated are _____

 _____ .

5. The estimated length of the hearing is _____ .

6. The case is set for FINAL PRETRIAL CONFERENCE on _____ at _____ in Courtroom _____. A Final Pretrial Memorandum must be filed jointly or separately within 3 days of the hearing.

7. This matter is set for final hearing on _____ at _____ m. in Courtroom _____ .

DATED: _____ ENTERED: _____
Judge Presiding

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
CHAMPAIGN COUNTY, ILLINOIS

_____))
_____))
Petitioner,)
vs.) NO. _____ - D - _____
_____))
_____))
_____))
_____))
_____))
Respondent,)

ORDER APPOINTING LIMITED GUARDIAN AD LITEM

The Court FINDS as follows:

1. The parties have represented to the Court that allocation of parental responsibilities (decision-making) of a minor child or children is in dispute;
2. The parties have attempted mediation and have been unsuccessful or for good cause shown both parties have requested a waiver of mediation; and
3. The Court finds that it is in the best interests of the minor child or children and would be highly beneficial to the Court that a limited guardian ad litem be appointed to investigate the parties, interview the minor child or children, if appropriate, meet with the parties and their attorneys, and, if requested by the Court, report to the Court their recommendations as to allocation of significant decision making responsibilities and allocation of parenting time.

WHEREFORE, IT IS ORDERED AND DECREED as follows:

- A. _____ is appointed as the limited guardian ad litem in this cause pursuant to 750 ILCS 5/506 (a)(2);
- B. Both parties are ordered to pay Four Hundred Fifty Dollars (\$450.00) each directly to the offices of the guardian ad litem within seventy-two (72) hours of the entry of this Order;
- C. Both parties are directed within seventy-two (72) hours to notify the

guardian ad litem of this appointment and provide directly to the guardian ad litem all relevant pleadings and other documentation deemed appropriate to assist the guardian ad litem's investigation. Copies of any documents transmitted by any party to the limited guardian ad litem shall be sent to the other party;

- D. Both parties are advised that all meetings and conversations with the guardian ad litem are not confidential and that the guardian ad litem may be called as a witness voluntarily or by subpoena at any allocation trial;
- E. The parties are further advised that if the guardian ad litem is called as a witness, either voluntarily or by subpoena at any custody trial, the party calling the guardian ad litem shall be assessed the guardian ad litem's reasonable attorney's fees at their customary rate for any necessary preparation and testimony;
- F. The guardian ad litem's appointment will be vacated after they have completed their investigation and have met with the parties to discuss their recommendations. If ordered by the Court, the guardian ad litem will submit a short report to the Court detailing their allocation recommendations and the reasons for their recommendations; and
- G. This matter is set for status review on _____ at _____ in Courtroom _____.

Dated this _____
day of _____, 20__

Judge

LIMITED GUARDIAN AD LITEM LIST (January 1, 2021)

Sami Anderson
301 North Neil Street, Suite 434
Champaign, IL 61820
355-0400

Robert E. Jacobson
Tummelson Bryan & Knox, LLP
115 N. Broadway
Urbana, IL 61801
367-2500

Lindsey Kearns
Weaver and Kearns
130 W. Main St.
Urbana, IL 61801
384-0000

Scott Lerner
201 W. Springfield Ave, Ste 205
Champaign, IL 61820
607-2227

Anne Martinkus
Erwin, Martinkus & Cole, Ltd.
411 W University Ave
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351-4040

David Moore
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220 W. Main St.
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384-1300

Cynthia Morgan
201 W. Springfield, Ste 908
Champaign, IL 61820
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Barbra Webber
Erwin, Martinkus & Cole, Ltd.
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Champaign, IL 61820
351-4040

IN THE CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT
CHAMPAIGN COUNTY, ILLINOIS

_____)
Petitioner,)
vs.) No.)
_____)
Respondent.)

ORDER REQUIRING PARENTING EDUCATION PROGRAM

Each of the parties to this case shall complete parenting education classes within sixty (60) days of the date of this Order. Failure to complete the Program may result in the entry of an Order imposing sanctions until a certificate of completion is filed with the Court.

The parties are directed to contact parenting education classes to make arrangements for the payment of required fees and scheduling of their appointments.

Dated this _____ day
of _____, 20__.

Presiding Judge

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
 CHAMPAIGN COUNTY, ILLINOIS

)	
Petitioner,)	
)	
vs.)	No. _____
)	
)	
Respondent.)	

FINAL PRETRIAL MEMORANDUM ON FINANCIAL ISSUES

A. Status

- This Memo is being filed jointly by the parties
- This Memo is being filed by Petitioner/ Respondent

B. Dates:

- The parties agree that the parties separated on _____ and the Petition for Dissolution was filed on _____.
 - The parties agree that valuation of assets/debts shall be determined as of the date of the trial on the issues.
 - The parties do not agree on the date of separation and/or the date of valuation. Petitioner/Respondent asserts as follows: _____
-

C. Incomes/Expenses:

- Both parties agree as to the parties' gross and net incomes, expenses, etc.
 - The parties do not agree on the parties' gross and net incomes, expenses, etc. Petitioner/Respondent asserts as follows, including the statutory amount and an argument for or against a deviation: _____
-
-

D. Maintenance:

- Both parties agree as to the amount and duration of maintenance
 - The parties do not agree on the amount and duration of maintenance. Petitioner/Respondent asserts as follows, including the statutory amount and an argument for or against a deviation: _____
-
- Not applicable

E. Child Support

- Both parties agree as to the amount and duration of child support.
- The parties do not agree on the amount and duration of child support. Petitioner/Respondent asserts as follows, including the statutory amount and an argument for or against a deviation: _____
- Not applicable

F. Assets:

- Both parties agree on what assets are marital and non-marital, the values of such assets and how the assets should be divided between the parties. This includes, but is not limited to, real estate, cash, investments, retirement accounts, businesses, insurance, and personal property.
- The parties do not agree on assets. Petitioner/Respondent attaches a listing of all property, including those in dispute, outlining whether the party believes it to be marital or non-marital, the value and how the asset should be divided.
- Not applicable

G. Debts:

- Both parties agree on what debts are marital and non-marital, the values of such debts and how the debt should be divided between the parties.
- The parties do not agree on debts. Petitioner/Respondent attaches a listing of all property, including those in dispute, outlining whether the party believes it to be marital or non-marital, the value and how the debts should be divided.
- Not applicable

H. Dissipation:

- Both parties agree on dissipation claims as to both parties.
- The parties do not agree on dissipation. Petitioner/Respondent attaches a listing of dissipation claims in dispute, outlining the facts and law to support the claim that it is or is not dissipation.
- Not applicable

I. Attorney's Fees:

- Both parties agree on attorney's fees.
- The parties do not agree on attorney's fees. Petitioner/Respondent attaches a listing of fees charged, paid and due and owing by both parties.
- Not applicable

J. Other Issues:

- Both parties agree on _____

- The parties do not agree on _____
_____.

K. Proposed Settlement:

In matters where there continues to be a dispute on financial issues, the Petitioner/Respondent's proposal (with attachments if necessary) is as follows:

- Maintenance: \$ _____, including duration
- Child Support: \$ _____.
- Division of Assets/Debts.
- Attorney's Fees.

Date submitted

Signed: _____
Petitioner/Respondent
