

DOMESTIC RELATIONS

STANDING ORDER NO. 3 **(Contested Hearings)**

This **Standing Order No. 3** applies to all cases in which, at the parties' request, the Court has specially set a trial or contested testimonial/evidentiary hearing at which parties or witnesses will testify and/or the Court may admit exhibits. This Standing Order applies to pre- and post-dissolution proceedings, as well as to all proceedings in parentage cases.

Pursuant to Illinois Supreme Court Rules 201(c) and 219(c), and in order to make efficient use of the parties' and the Court's time, to allow for adequate preparation and to prevent unfair surprise, the Court orders each party to prepare, exchange with the opposing party or his/her counsel, and/or submit to the Court (as indicated below) the following documents and information **at least three (3) business days** prior to the scheduled hearing date.

- If the issues in dispute involve financial matters (including, but not limited to, a party's ability to make payments), the parties shall exchange and submit to chambers current, sworn and signed **Financial Affidavits** in accordance with **Local Rule 14.02** for the Seventeenth Judicial Circuit ("Local Rules").¹ The parties may not waive this requirement without leave of Court.
- If the hearing is a final hearing in a pre-dissolution case involving the "Disposition of property" (750 ILCS 5/503), the parties shall exchange and submit to chambers current, sworn and signed **Statements of Assets and Liabilities** in accordance with **Local Rule 14.025**. Statements should be in substantially the form set forth in **Appendix V** to the Local Rules. The parties may not waive this requirement without leave of Court.
- Each party shall provide the opposing party with a list of the witnesses he or she intends to or may call as witnesses at the evidentiary hearing. The parties do not need to provide their respective witness lists to the Court prior to the hearing. Other than a party or a witness **called solely for the purpose of impeachment**, any witness not disclosed prior to the hearing may, in the Court's discretion, be barred on the motion of the opposing party.
- Each party **shall file verified written responses** to any motions or petitions directed at the party and which are to be heard at the evidentiary hearing. The Court may deem a party's failure to file a verified written response to a then-pending petition as an admission of any well-pleaded facts in the petition and may grant relief accordingly.

¹ The Local Rules for Matrimonial Proceedings, along with the Appendix forms referenced above, can be located at the web site for the Seventeenth Judicial Circuit, www.illinois17th.com, at the tab for "Rules and Orders."

- ❑ **Motions raising alleged pleading deficiencies or discovery deficiencies may not be filed and noticed for presentment on the date set for a contested hearing.** Oral motions regarding discovery matters will not be entertained on the date set for hearing. Petitions or motions filed after the Court schedules an evidentiary hearing and noticed for presentment on the date of the hearing will not be heard unless by express agreement of the parties. **All relevant discovery and all necessary motion practice is to be completed before the parties request and receive a contested hearing date.**
- ❑ Each party shall tender to the opposing party (directly or through the party's attorney) copies of each exhibit (see **Local Rules, Appendix T**) he or she intends to use and/or to offer into evidence at the evidentiary hearing **for any purpose other than impeachment of a witness.** To the extent that time permits, the parties (directly or through their counsel) should attempt together to identify and address objections to proposed exhibits prior to the hearing. The parties do not need to provide their respective exhibits or exhibit lists to the Court prior to the hearing, but **should bring pre-marked courtesy copies of all exhibits for all parties and for the Court to the hearing.** Any exhibit not provided to the opposing party prior to the hearing may, at the Court's discretion, be barred on the motion of the opposing party.
- ❑ If a party has petitioned for, or intends to petition for attorneys' fees when the proofs are closed at the conclusion of a scheduled hearing, counsel for the requesting party must provide opposing counsel and the Court with a current statement of account for his or her client (redacted to the extent necessary to preserve and protect the attorney-client privilege). The statements of account should reflect each attorney's hourly rate, along with the dates of service and time expended on each date of service. **All attorneys' fees petitions shall include a reference to the specific statutory section and subsection upon which the petition/request is based.**
- ❑ **Each party shall bring to the hearing a proposed form of Order the party seeks to have entered if he or she is successful in obtaining the relief he or she seeks.** In all cases in which some form of financial relief is sought, the proposed form of Order shall contain the proposing party's mathematical calculations along with specific dollar figures for each category of relief sought. All proposed Orders shall contain proposed findings of fact which, if supported by the evidence at the hearing and accepted by the Court, would support the relief set forth in the proposed form of Order. **The Court may ask the parties and/or their respective counsel for their proposed forms of Order when the case is called for hearing.**

If the above-referenced information and documents have not been exchanged at least three (3) business days prior to the scheduled hearing in accordance with this **Standing Order No. 3**, the Court may, on its own motion or on the motion of any party made before or on the date of the hearing, cancel and continue the hearing to a future date and may, on motion of a party, enter any other orders as are just in accordance with Supreme Court Rule 219(c).

The Court requests that, if the parties determine by agreement in advance of the scheduled date and time that the hearing will not proceed, the Court be notified as soon as reasonably possible by contacting the Judges' Administrative Assistant via e-mail @ ksherrard@17thcircuit.illinoiscourts.gov or phone 815-547-8115.

SO ORDERED.

Entered: _____

9/7/18



JUDGE OF THE CIRCUIT COURT