

## 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. **Unless otherwise ordered or waived by the court**, this Standing Order applies to pre- and post-dissolution proceedings, as well as to all proceedings in parentage cases. This Standing Order does not apply to plenary hearings in Order of Protection ("OP") cases unless the Court, at a party's request or on its own motion, specifies in a written order that it is applicable to a particular contested case.

**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, to prevent unfair surprise and to facilitate settlement, 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 five (5) business days** prior to the scheduled hearing date:

- Each party shall prepare a proposed form of Order the party will ask the Court to enter if he or she is successful in obtaining the relief he or she seeks, and shall provide a copy of the proposed Order to the other party (or his or her counsel) and to the Court no later than five (5) business days before the hearing.** 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 adopted by the Court, would support the relief set forth in the proposed form of Order. The Court may, in its discretion, cancel or continue any hearing with respect to which it has not received proposed orders as required by this Standing Order.
- 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**. The parties shall use the Illinois Supreme Court's statewide approved form of Financial Affidavit or an alternative which is in substantially the form set forth in **Appendix O** to the Local Rules for the Seventeenth Judicial Circuit ("Local Rules").<sup>1</sup> 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,

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<sup>1</sup> 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](http://www.illinois17th.com), at the tab for "Rules and Orders."

sworn and signed **Statements of Assets and Liabilities** in accordance with **Local Rule 14.25**. 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 purposes of rebuttal or impeachment**, any witness not disclosed prior to the hearing may, in the Court's discretion, be barred on the motion of the opposing party. In contested custody cases, the Court assumes, unless informed otherwise, that the court-appointed *Guardian Ad Litem* and/or court-appointed custody evaluator will be a witness.
- Each party **shall file verified written responses** to any verified 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 verified petition as an admission of any well-pleaded facts in the petition and may grant relief accordingly.
- **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 or direct rebuttal of a witness' testimony**. 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.**

If the mandatory requirements of this **Standing Order No. 3** have not been complied with **at least five (5) business days** prior to the scheduled trial or hearing, the Court may, on its own initiative or on the oral or written motion of any party made before or on the date of the trial or hearing, exercise its discretion to:

- (1) Default the non-compliant party as to any or all of the relief sought by the pending motion(s) or petition(s) seeking relief from the non-compliant party; and/or
- (2) Strike or dismiss any or all of the pending motion(s) or petition(s) of the non-compliant party scheduled to be heard at the trial or hearing; and/or
- (3) Place any necessary or appropriate limitations on the non-compliant party's presentation of testimony or other evidence; and/or
- (4) Cancel and continue the hearing to a future date and require the non-compliant party to pay any reasonable costs and/or attorneys' fees associated with the cancellation and continuance; and/or
- (5) Enter any other orders as are just in accordance with Supreme Court Rule 219(c) and the Court's inherent case management authority.

**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 notifying Assistant Trial Court Administrator for Boone County (Kristine Gibbons: [Kgibbons@17thcircuit.illinoiscourts.gov](mailto:Kgibbons@17thcircuit.illinoiscourts.gov)).**

**SO ORDERED.**

Entered: 5/3/2021

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JUDGE OF THE CIRCUIT COURT

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