

DOMESTIC RELATIONS – COURTROOM 455

STANDING ORDER NO. 1 (Dissolution Stay Order)

This **Standing Order No. 1** applies to all **pre-judgment** dissolution of marriage proceedings filed pursuant to the Illinois Marriage and Dissolution of Marriage Act (“IMDMA”). This Standing Order applies only to the parties’ use and disposition of “**marital property**” (as defined by 750 ILCS 5/503(b)) and to their conduct toward one another during the pendency of any pre-judgment dissolution proceeding.¹

This Standing Order is effective as to Plaintiff/Petitioner as of the date of his/her filing of the initial petition or complaint for dissolution of marriage, and is effective as to Defendant/Respondent as of the first of the following dates: (1) the date that Defendant/Respondent is served with the summons and petition; or (2) the date that Defendant/Respondent enters his or her appearance in the proceeding (individually or by counsel); or (3) the date Defendant/Respondent receives a copy of this Standing Order. During pre-judgment dissolution proceedings:

- Both parties are prohibited from transferring, encumbering, concealing, destroying, spending, damaging, or in any way disposing of any “**marital property**” without the consent of the other party or an order of this Court, except in the usual course of business, for the reasonable and ordinary necessities of life, or for reasonable costs, expenses, and attorneys’ fees arising from this proceeding; and
- Unless the parties (individually or through counsel) reach a **written agreement** to the contrary, each party is required to provide written notice to the other party and his or her attorney of any proposed extraordinary expenditure or transaction. Notice of any proposed extraordinary expenditure or transaction shall be given as soon as practicable, but not less than seven (7) days before the proposed date for the carrying out or commencement of the carrying out of the extraordinary expenditure or transaction, except in an emergency, in which event notice shall be given as soon as practicable under the circumstances. If proper notice is given and if the party receiving the notice does not object by filing an objection or other petition related to the proposed expenditure within seven (7) days of receipt of the notice, the carrying out of the proposed extraordinary expenditure or transaction will not be deemed to be a violation of this Standing Order; and
- A party making any extraordinary expenditure or carrying out any extraordinary transaction after this dissolution action stay is in effect shall account promptly to the Court and to the other party for all of those expenditures and transactions. This obligation to account applies throughout the pendency of the above-captioned proceeding, irrespective of (i) any notice given by any party as to any proposed extraordinary expenditure or transaction, (ii) any filing of an objection and petition under the preceding paragraph of this order or the absence of any such filing, or (iii) any Court ruling as to an issue presented to it by either party; and


¹ See 750 ILCS 5/501.1, as limited by *Messenger v. Edgar*, 157 Ill.2d 162 (Ill. 1993).

- Both parties are ordered to refrain from abusing, harassing, intimidating, striking, or interfering with the personal liberty of the other party or of any minor child(ren) of either party (either in person or using any method of electronic communication including, but not limited to, telephone calls, text messages, e-mails or unsolicited and/or unwanted contact through social networking services); and
- Both parties are ordered to refrain from removing any minor child of the parties from the State of Illinois or from concealing any such child from the other party, without the express consent of the other party or an order of this Court; and
- Nothing in this Standing Order shall be construed as operating to make unavailable any of the remedies provided in the Illinois Domestic Violence Act of 1986 (750 ILCS 60/101 *et seq.*) if sufficient facts exist which entitle either party to invoke the protections of that Act.

Alleged violations of this Standing Order may be raised at any time prior to the entry of a judgment for dissolution of marriage by a verified petition filed in accordance with the procedures set forth for claims of “dissipation” at 750 ILCS 5/503(d)(2).

SO ORDERED.

Entered: 5/4/15



JUDGE OF THE CIRCUIT COURT