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IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

FILED
MAR 30 2020
KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

IN RE THE MATTER OF PROCEDURES IN THE FAMILY DIVISION FOR **HEARINGS ON A SUMMARY BASIS** PURSUANT TO THE CONTINUITY OF OPERATIONS COVID-19 PROTOCOLS.	))))))	Family Division Standing Order 2020-03

IT IS HEREBY ORDERED that, in response to the COVID-19 Pandemic and while the court is operating under the Circuit's Pandemic Continuity of Operations Plan and hearing only essential matters in accordance with the Illinois Supreme Court Order filed under M.R. 30370 on March 17, 2020, the Judges of the Family Division have conferred and agreed to temporarily put in place the following procedure to give litigants an option to request a hearing on a summary basis.

¶ 1. Method of Summary Hearing. All hearings on a summary basis shall be conducted based only upon a verified petition or motion, stipulations, affidavits and supporting documentary evidence, without the benefit of a court appearance, oral argument or evidentiary hearing. This Standing Order does not modify, suspend or relieve the duty of any party to file a legally-sufficient petition or motion and statewide-approved financial affidavit, and to properly serve notice to the opposing party in accordance with applicable rules.

¶ 2. Types of Cases. Summary hearings may be sought and scheduled under this Standing Order for cases pending before Judge Mark R. Facchini (CR 361), Judge Jeffrey L. Hirsch (CR 360), Judge Justin M. Hansen (CR 359), and Judge Robert J. Zalud (CR 365), other than proceedings for orders of protection and stalking-no contact orders.

¶ 3. Attorney Appearance. Each party must be represented by an attorney who has filed an Appearance that includes a telephone number and an e-mail address to which documents and notices will served.

¶ 4. Request for Summary Hearing. Both attorneys, and any other court-appointed attorney such as a guardian *ad litem*, shall consult with each other and, if both parties agree to proceed with a hearing on a summary basis, the attorneys shall jointly send an e-mail to the assigned Judge requesting a summary hearing and include the following information: (a.) a file-stamped copy of the Stipulation required by this Standing Order; (b.) identify the petition or motion to be heard and the date it was filed and served upon the opposing party; (b.) propose a briefing schedule to file a response and reply, if any; (c.) propose dates to exchange statutory guideline calculations and parenting plans, if applicable; and (d.) propose dates to submit courtesy copies of financial affidavits and supporting documentary evidence required by local court Rule 11.02. The assigned judge shall review the request and determine in its discretion whether a summary hearing is appropriate and just. If the request is approved, the judge shall enter a scheduling order. A copy of the scheduling order shall be e-mailed to all attorneys of record. Requests to extend any deadlines may be granted only for good cause. A failure to comply with the scheduling order or this Standing Order may result in sanctions against the offending party, including, but not limited to, rescinding approval for the summary hearing and an award of reasonable attorney's fees and costs necessarily incurred by the other party as a result of the violation.

¶ 5. Attorney Consultation. Once a request for a summary hearing has been approved, the attorneys shall use their best efforts and make reasonable attempts to personally confer with each other by telephone to: (a.) formulate and simplify issues, including the elimination of frivolous claims; (b.) identify statutory and case law authority regarding the contested issues; (c.) reach stipulations of fact and admission of documents to avoid unnecessary proofs; (d.) exchange summaries of voluminous documents; (e.) exchange updated financial affidavits and supporting documentary evidence required by local court Rule 11.02; (f.) exchange statutory guideline calculations; and (g.) exchange proposed parenting plans, if applicable.

¶ 6. Submissions by Parties. In accordance with the scheduling order, the attorneys shall jointly send an e-mail to the assigned judge with an electronic copy (PDF format) of the following documents: (a.) petition or motion, response and reply, including any accompanying affidavit as to the factual basis for the relief requested; (b.) financial affidavits; (c.) supporting documentary evidence required by local court Rule 11.02; (d.) stipulations of fact and admission of documents; (e.) statutory guideline calculations for maintenance or child support, as applicable; (f.) proposed

parenting plans; and (g.) statutory and case law authority. All documents shall be indexed and organized in a logical fashion, and should include summaries of voluminous group exhibits.

NOTE: This paragraph does *not* require the parties to electronically file anything out of the ordinary. In other words, pleadings and financial affidavits should be filed with the Circuit Clerk, as they would be in the normal course. However, supporting documentary evidence, proposed plans or orders, and case law and statutory authority should not be filed.

¶ 7. Rulings and Orders. Upon receipt of the submitted documents, the assigned judge shall take the matter under advisement and within a reasonable period of time thereafter enter an order adjudicating the summary hearing. On a case-by-case basis, the Court may ask the parties to submit proposed orders. A file-stamped copy of the order shall be filed and served by e-mail to the attorneys of record.

¶ 8. Joint Stipulation Requesting Hearing on Summary Basis. Before requesting a hearing on a summary basis with the assigned judge, a joint Stipulation shall be prepared and filed which substantially complies with the following:

A. Each attorney shall verify they have complied or will comply with all of the conditions of this Standing Order.

B. Each party shall give their informed consent for a hearing on a summary basis in accordance with the conditions of this Standing Order. Each party must acknowledge they have consulted with and been advised by their attorney of the following:

(i.) The conditions of this Standing Order;

(ii.) Their right *not* to request a summary basis hearing under the conditions of this Standing Order;

(iii.) Their rights, interests and obligations under applicable law; (iv.) a waiver of any further notice or presentment;

(iv.) A waiver of their right to be present in court, to request an evidentiary hearing, to offer testimony and other evidence in support of their claims, to see

and hear evidence offered against them, to confront and cross-examine witnesses, and to make oral argument;

(v.) That the ruling and order made by the judge shall be legally binding or enforceable; and

(vi.) Having been so informed, they have voluntarily consented for a summary hearing under the conditions of this Standing Order.

C. Each party and their attorney shall sign and date the Stipulation. Electronic signatures are permitted and it may be signed in counterparts. A copy of the filed Stipulation must be submitted along with the email requesting the summary basis hearing.

So entered and ordered this 30th day of March, 2020.

Judge Christopher M. Harmon
Presiding Judge, Family Division

Judge Justin M. Hansen

Judge Jeffrey L. Hirsch

Judge Mark R. Facchini

Judge Robert J. Zalud