

**Proposal 21-01**  
**Amends Rules 2, 21, 88, 90, 91, 93, 99, 100.6, 100.7, 100.8, 100.10, 113,**  
**203, 206, 207, 209, 217, 218, 237, 277, 551, 901, 905, and 942**  
**Offered by Illinois Supreme Court Commission on Access to Justice**

**Rule 2. Construction**

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**(b) Definitions.** The following meanings are to be given terms used in these rules:

- (1) “Judge” also includes associate judge and justice.
- (2) “Judgment” also includes decree, determination, decision, order, or portion thereof.
- (3) “Document” means a pleading, motion, photograph, recording, or other record of information or data required or permitted to be filed, either on paper or in an electronic format.
- (4) “Written” or “in writing” means in the form of a document, whether electronic or on paper.
- (5) “Signed” or “signature” also includes the execution of any court-approved digital signature.
- (6) “Original” is the first authentic instrument of a document, recording, or photograph; however, if the transmission is by approved electronic means, the transmission received by the clerk of the court shall serve as the original.
- (7) “In person or by attorney,” “in person or through an attorney,” “in person or by counsel,” or “in person or by substitute counsel” includes such individual appearing remotely, including by telephone or video conference under Rules 45 and 241 and any other rules governing remote appearances.

**Rule 21. Circuit Court Rules and Filing of Rules; Administrative Authority; General Orders**

**(a) Circuit Court Rules.** A majority of the circuit judges in each circuit may adopt rules governing civil and criminal cases, including remote appearances, which are consistent with these rules and the statutes of the State, and which, so far as practicable, shall be uniform throughout the State. All rules of court shall be filed with the Administrative Director within 10 days after they are adopted.

**Rule 88. Scheduling of Hearings**

The procedure for fixing the date, time and place of a hearing before a panel of arbitrators shall be prescribed by circuit rule provided that not less than 60 days' notice in writing shall be given to the parties or their attorneys of record. The hearing shall be held on the scheduled date and within one year of the date of filing of the action, unless continued by the court upon good cause shown. The hearing shall be held at a location provided or authorized by the court or remotely, including by telephone or video conference.

## Rule 90. Conduct of Hearings

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- (c) **Documents Presumptively Admissible.** All documents referred to under this provision shall be accompanied by a summary cover sheet listing each item that is included detailing the money damages incurred by the categories as set forth in this rule and specifying whether each bill is paid or unpaid. If at least 30 days' written notice of the intention to offer the following documents in evidence is given to every other party, accompanied by a copy of the document, a party may offer in evidence, without foundation or other proof:
- (1) bills (specified as paid or unpaid), records and reports of hospitals, doctors, dentists, registered nurses, licensed practical nurses and physical therapists, or other health-care providers;
  - (2) bills for drugs, medical appliances and prostheses (specified as paid or unpaid);
  - (3) property repair bills or estimates, when identified and itemized setting forth the charges for labor and material used or proposed for use in the repair of the property;
  - (4) a report of the rate of earnings and time lost from work or lost compensation prepared by an employer;
  - (5) the written statement of any expert witness, the deposition of a witness, the statement of a witness which the witness would be allowed to express if testifying in person or remotely, including by telephone or video conference, if the statement is made by affidavit or by certification as provided in section 1-109 of the Code of Civil Procedure;
  - (6) any other document not specifically covered by any of the foregoing provisions, and which is otherwise admissible under the rules of evidence.

The pages of any Rule 90(c) package submitted to the arbitrators should be numbered consecutively from the first page to the last page of the package in addition to any separate numbering of the pages of individual documents comprising such package. A template Notice of Intent Pursuant to Supreme Court Rule 90(c) is provided in the [Article I Forms Appendix](#).

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- (i) **Remote Appearances.** The provisions of Rule 241, herein, shall be equally applicable to arbitration hearings. A party or witness may be allowed to appear remotely, including by telephone or video conference.

## Rule 91. Absence of Party at Hearing

(a) **Failure to be Present at Hearing.** The arbitration hearing shall proceed in the absence of any party who, after due notice, fails to be present. The panel shall require the other party or parties to submit such evidence as the panel may require for the making of an award. The failure of a party to be present, either in person or by counsel, at an arbitration hearing shall constitute a waiver of the right to reject the award and a consent to the entry by the court of a judgment on the award. In the event the party who fails to be present thereafter moves, or files a petition to the court, to vacate the judgment as provided therefor under the provisions of the Code of Civil Procedure for the vacation of judgments by default, sections 2-1301

and 2-1401,1 the court, in its discretion, in addition to vacating the judgment, may order the matter for rehearing in arbitration, and may also impose the sanction of costs and fees as a condition for granting such relief. For the purposes of this section, being present encompasses appearing in person, by counsel, or remotely, including by telephone or video conference.

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### **Rule 93. Rejection of Award**

(a) Rejection of Award and Request for Trial. Within 30 days after the filing of an award with the clerk of the court, and upon payment to the clerk of the court of the sum of \$200 for awards of \$30,000 or less or \$500 for awards greater than \$30,000, any party who was present at the arbitration hearing, either in person or by counsel, may file with the clerk a written notice of rejection of the award and request to proceed to trial, together with a certificate of service of such notice on all other parties. The filing of a single rejection shall be sufficient to enable all parties except a party who has been debarred from rejecting the award to proceed to trial on all issues of the case without the necessity of each party filing a separate rejection. The filing of a notice of rejection shall not be effective as to any party who is debarred from rejecting an award. For the purposes of this section, being present encompasses appearing in person, by counsel, or remotely, including by telephone or video conference.

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### **Rule 99. Mediation Programs.**

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#### **(b) Local Rules.**

- (1) Each judicial circuit electing to establish a mediation program shall adopt rules for the conduct of the mediation proceedings. A person approved by the circuit to act as a mediator under these rules shall have judicial immunity in the same manner and to the same extent as a judge. Prior to the establishment of such a program, the Chief Judge of the circuit shall submit to the Supreme Court for its review and approval, through its Administrative Office, rules governing the operation of the circuit's program. A circuit operating a mediation program on the effective date of this Rule may continue the program for one year after the effective date of this Rule, but must, within 90 days of the effective date of this Rule, submit for the Supreme Court's review and approval the rules under which the mediation program is operating. Any amendments to approved local rules must be submitted to the Administrative Office for review and approval prior to implementation.
- (2) At a minimum, the local circuit court rules shall address:
  - (i) Actions eligible for referral to mediation;
  - (ii) Appointment, qualifications and compensation of the mediators;
  - (iii) Scheduling of the mediation conferences, either in person or remotely;
  - (iv) Conduct of the conferences;

- (v) Discovery;
- (vi) Absence of party at the conference and sanctions;
- (vii) Termination and report of mediation conference;
- (viii) Finalization of agreement;
- (ix) Confidentiality;
- (x) Reporting to the Supreme Court for each approved mediation program shall be conducted in a manner and method as prescribed by the Administrative Office of the Illinois Courts.

### **Rule 100.6. Scheduling of the Hearings**

(a) Assignment of Hearing Date. If an action or a motion filed by a IV-D participant qualifies as an action over which an administrative hearing officer has authority, the person designated in the Plan shall assign a hearing date before an administrative hearing officer. Non-IV-D participants may request that the clerk assign eligible actions a hearing date before an administrative hearing officer. The procedure for fixing the date, time and place of a hearing before an administrative hearing officer shall be prescribed by circuit rule provided that not less than seven days' notice in writing shall be given to the parties or their attorneys of record. In cases in which the court has previously acquired jurisdiction over the responding party, the hearing shall be held on the scheduled date and not less than 21 days or more than 35 days of the date of filing of the action, unless continued by the administrative hearing officer or court upon good cause shown. In cases in which the court has not previously acquired jurisdiction over the responding party, the hearing shall be held on the scheduled date and not less than 21 days or more than 45 days of the date of filing of the action, unless continued by the administrative hearing officer or court upon good cause shown. The hearing shall be held at a location provided or authorized by the chief judge of the circuit or remotely, including by telephone or video conference.

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### **Rule 100.7. Conduct of the Hearing**

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- (b) Documents Presumptively Admissible. A party may offer in evidence, without foundation or other proof:
- (1) the obligor's pay stubs or either employer-provided statement of gross income, deductions and net income or other records prepared by the employer in the usual course of business.
  - (2) documents provided by the obligor's insurance company which describe the dependent care coverage available to the obligor; and
  - (3) records kept by the clerk of the circuit court as to payment of child support.

If at least seven days written notice of the intention to offer the following documents in evidence is given to every other party, accompanied by a copy of the document, or if at the expedited child support hearing the other party does not object, a party may offer in evidence without foundation or other proof:

- (1) the deposition of a witness, the statement of a witness which the witness would be allowed to express if testifying in person or remotely, including by telephone or video conference, if the statement is made by affidavit or by certification as provided in section 1--109 of the Code of Civil Procedure;
- (2) computer-generated documents and records, unless objected to by a party; and
- (3) any other document not specifically covered by any of the foregoing provisions, and which is otherwise admissible under the rules of evidence.

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#### **Rule 100.8. Absence of Party at Hearing**

(a) Failure to be Present at Hearing. The expedited child support hearing may proceed in the absence of the responding party if service has been made and the petitioning party and/or his or her attorney is present. Based upon the testimony of the petitioning party and any other evidence that may have been presented, the administrative hearing officer shall recommend that the judge enter an appropriate order. If the petitioning party does not agree to the recommended order, the administrative hearing officer shall immediately schedule a judicial hearing, record the date, time and place of the hearing upon a notice and provide such notice to the petitioning party at the expedited hearing. Such notice shall be sent to the nonappearing party by regular mail. If the petitioning party agrees to and signs the order, a copy of the signed order and a notification of the right to object to the order shall be served upon the nonappearing party as directed in subsection (b) below. If the petitioning party is not present, either in person or through an attorney, the administrative hearing officer may continue the matter or may strike the matter with leave to reinstate. Notification of such action shall be served upon the petitioning party by regular mail. For the purposes of this section, being present encompasses appearing in person, by counsel, or remotely, including by telephone or video conference.

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#### **Rule 100.10. Submission of Recommendations to the Court**

(a) Notice to Parties. The administrative hearing officer shall present each party with a copy of the recommended order to be submitted to a judge. The administrative hearing officer shall also present each party with a written notice informing the parties of their right to request a judicial hearing and the procedures for so doing. The recommended order and notice shall be presented to each party at the

conclusion of the hearing. If either party is not present at the conclusion of the hearing, either in person or through an attorney, the recommendation and order shall be mailed by regular mail to the party's last known address. For the purposes of this section, being present encompasses appearing in person, by counsel, or remotely, including by telephone or video conference.

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### **Rule 113. Practice and Procedure in Mortgage Foreclosure Cases**

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**(j) Remote Appearances.** All aspects of foreclosure proceedings, including but not limited to status hearings, case management hearings, entry of judgment of foreclosure, judicial sales, and entry of an order approving sale, may be conducted remotely, including by telephone or video conference. Each court shall determine which aspects of a foreclosure proceeding may be conducted remotely based on the needs of the jurisdiction, case participants, and technology available.

### **Rule 203. Where Depositions May be Taken**

Unless otherwise agreed, depositions shall be taken in the county in which the deponent resides or is employed or transacts business in person, or, in the case of a plaintiff-deponent, in the county in which the action is pending. However, the court, in its discretion, may order a party or a person who is currently an officer, director, or employee of a party to appear at a designated place in this State or elsewhere for the purpose of having the deposition taken. The order designating the place of a deposition may impose any terms and conditions that are just, including payment of reasonable expenses.

Unless otherwise agreed, remote electronic means depositions, under Rule 206(h), shall be deemed taken at the place where the deponent is to answer questions.

### **Rule 206. Method of Taking Depositions on Oral Examination**

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**(h) Remote Electronic Means Depositions.** Any party may take a deposition by telephone, videoconference, or other remote electronic means by stating in the notice the specific electronic means to be used for the deposition, subject to the right to object. For the purposes of Rule 203, Rule 205, and this rule, such a deposition is deemed taken at the place where the deponent is to answer questions. Except as otherwise provided in this paragraph (h), the rules governing the practice, procedures and use of depositions shall apply to remote electronic means depositions.

~~(1) **Reserved.** The deponent shall be in the presence of the officer administering the oath and recording the deposition, unless otherwise agreed by the parties.~~

- (2) Any exhibits or other demonstrative evidence to be presented to the deponent by any party at the deposition shall be provided to the officer administering the oath and all other parties within a reasonable period of time prior to the deposition, unless the deposition participants are able to view the exhibits in real time during the deposition.
- (3) ~~Reserved. Nothing in this paragraph (h) shall prohibit any party from being with the deponent during the deposition, at that party's expense; provided, however, that a party attending a deposition shall give written notice of that party's intention to appear at the deposition to all other parties within a reasonable time prior to the deposition.~~
- (4) The party at whose instance the remote electronic means deposition is taken shall pay all costs of the remotelectronic means deposition, unless otherwise agreed by the parties.
- (5) Time spent at a remote electronic means deposition in addressing necessary technology issues shall not count against the time limit for the deposition set by Rule 206(d), by stipulation, or by court order.
- (6) No recording of a remote electronic means deposition shall be made other than the recording disclosed in the notice of deposition.

#### Committee Comments

(\_\_\_\_\_, 2021)

Paragraph (h) Where a deponent testifies from a remote location and no neutral representative or representative of an adverse party is present in the room with the testifying deponent, care must be taken to ensure the integrity of the examination. The testifying deponent may be examined regarding the identity of all persons in the room during the testimony. Where possible, all persons in the room during the testimony should separately participate in the videoconference. In furtherance of their obligations under Illinois Rules of Professional Conduct 3.3 (Candor Toward the Tribunal), 3.4 (Fairness to Opposing Party and Counsel), and 8.4(d) (Misconduct), counsel representing a deponent should instruct the deponent that (a) he or she may not communicate with anyone during the examination other than the examining attorney or the court reporter and (b) he or she may not consult any written, printed, or electronic information during the examination other than information provided by the examining attorney. Unrepresented deponents may be similarly instructed by counsel for any party.

#### **Rule 207. Signing and Filing Depositions**

(a) **Submission to Deponent; Changes; Signing.** Unless signature is waived by the deponent, the officer shall instruct the deponent that if the testimony is transcribed the deponent will be afforded an opportunity to examine the deposition at the office of the officer or reporter, or elsewhere, by reasonable arrangement at the deponent's expense, and that corrections based on errors in reporting or transcription which the deponent desires to make will be entered upon the deposition with a statement by the deponent that the reporter erred in reporting or transcribing the answer or answers involved. The deponent may not

otherwise change either the form or substance of his or her answers. The deponent shall provide the officer with an electronic or physical address to which notice is to be sent when the transcript is available for examination and signing. When the deposition is fully transcribed, the officer shall deliver to the deponent, at the address supplied, notice that it is available and may be examined at a stated place at stated times, or pursuant to arrangement, including by remote electronic means. After the deponent has examined the deposition, the officer shall enter upon it any changes the deponent desires to make, with the reasons the deponent gives for making them. If the deponent does not appear at the place specified in the notice within 28 days after the mailing of the notice, or within the same 28 days make other arrangements for examination of the deposition, or after examining the deposition refuses to sign it, or after it has been made available to the deponent by arrangement it remains unsigned for 28 days, the officer's certificate shall state the reason for the omission of the signature, including any reason given by the deponent for a refusal to sign. The deposition may then be used as fully as though signed, unless on a motion to suppress under Rule 211(d) the court holds that the reasons given by the deponent for a refusal to sign require rejection of the deposition in whole or in part.

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#### **Rule 209. Failure to Attend or Serve Subpoena; Expenses**

**(a) Failure to Attend or to Proceed; Expenses.** If the party serving notice of the taking of a deposition fails to attend or to proceed therewith and another party attends in person or by attorney pursuant to the notice, the court may order the party serving the notice to pay to the other party the amount of the reasonable expenses incurred by him and his attorney in so attending, including reasonable attorney's fees.

**(b) Failure to Serve Subpoena or Notice; Expenses.** If the party serving notice of the taking of a deposition fails to serve a subpoena or notice, as may be appropriate, requiring the attendance of the deponent and because of that failure the deponent does not attend, and if another party attends in person or by attorney, because he expects the deposition of that deponent to be taken, the court may order the party serving the notice to pay to the other party the amount of the reasonable expenses incurred by him and his attorney in attending, including reasonable attorney's fees.

**(c)** For the purposes of this rule, attendance encompasses appearing in person, by attorney, or remotely, including by telephone or video conference.

#### **Rule 217. Depositions for the Purpose of Perpetuating Testimony**

##### **(a) Before Action.**

- (1) **Petition.** A person who desires to perpetuate his own testimony or that of another person regarding any matter that is or may be cognizable in any court or proceeding may file a verified petition in the court of the county in which the action or proceeding might be brought or had or in which one or more of the persons to be examined reside. The petition shall be entitled in the



name of the petitioner as petitioner and against all other expected parties or interested persons, including unknown owners, as respondents and shall show: (i) the facts which he desires to establish by the proposed testimony and his reasons for desiring to perpetuate it, (ii) the names or a description of the persons interested or whom he expects will be adverse parties and their addresses so far as known, and (iii) the names and addresses of the persons to be examined, and shall ask for an order authorizing the petitioner to take the depositions of the persons to be examined named in the petition for the purpose of perpetuating their testimony.

- (2) Notice and Service. The petitioner shall serve upon each person named or described in the petition as respondent a copy of the petition, together with a notice stating that the petitioner will apply to the court, at a time and place designated in the notice, for the order described in the petition. Unless a shorter period is fixed by the court, the notice shall be served either within or without the State at least 21 days before the date of hearing, in the manner provided for service of summons. If service cannot with due diligence be made upon any respondent named or described in the petition, the court may by order provide for service by publication or otherwise. For persons not personally served and not otherwise represented, the court shall appoint an attorney who shall represent them and cross-examine the deponent. If any respondent is a minor or a person under legal disability or not yet in being, a guardian ad litem shall be appointed to represent his interests. The fees and costs of a court-appointed attorney or guardian ad litem shall be borne by the petitioner.
- (3) Order and Examination. If the court is satisfied that the perpetuation of the testimony may prevent a failure or delay of justice, it shall make an order designating or describing the persons whose depositions may be taken, specifying the subject matter of the examination and whether the depositions shall be taken upon oral examination (including by remote electronic means) or written questions, and fixing the time, place, and conditions of the examination.

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### **Rule 218. Pretrial Procedure.**

**(a) Initial Case Management Conference.** Except as provided by local circuit court rule, which on petition of the chief judge of the circuit has been approved by the Supreme Court, the court shall hold a case management conference within 35 days after the parties are at issue and in no event more than 182 days following the filing of the complaint. At the conference, counsel familiar with the case and authorized to act or an unrepresented party shall appear in person or remotely, including by telephone or video conference, if allowed, and the following shall be considered:

- (1) the nature, issues, and complexity of the case;
- (2) the simplification of the issues;
- (3) amendments to the pleadings;
- (4) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
- (5) limitations on discovery including:
  - (i) the number ~~and~~, duration, and means by which ~~of depositions which~~ may be taken;

- (ii) the area of expertise and the number of expert witnesses who may be called; and
- (iii) deadlines for the disclosure of witnesses and the completion of written discovery and depositions;
- (6) the possibility of settlement and scheduling of a settlement conference;
- (7) the advisability of alternative dispute resolution;
- (8) the date on which the case should be ready for trial;
- (9) the advisability of holding subsequent case management conferences; and
- (10) any other matters which may aid in the disposition of the action including but not limited to issues involving electronically stored information and preservation.

**(b) Subsequent Case Management Conferences.** At the initial and any subsequent case management conference, the court shall set a date for a subsequent management conference or a trial date and state whether parties shall appear in person or remotely, including by telephone or video conference.

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### **Rule 237. Compelling Appearances of Witnesses at Trial**

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**(c) Notice of Parties at Expedited Hearings in Domestic Relations Cases.** In a domestic relations case, the appearance at an expedited hearing of a party who has been served with process or appeared may be required by serving the party with a notice designating the party who is required to appear and stating whether the party shall appear in person or remotely, including by telephone or video conference. The notice may also require the production at the hearing of the original documents or tangible things relevant to the issues to be addressed at the hearing. If the party is a nonresident of the county, the court may order any terms and conditions in connection with his or her appearance at the hearing that are just, including payment of his or her reasonable expenses. Upon a failure to comply with the notice, the court may enter any order that is just, including any sanction or remedy provided for in Rule 219(c) that may be appropriate.

### **Rule 277. Supplementary Proceeding**

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**(c) Citation—Form, Contents, and Service.** The citation by which a supplementary proceeding is commenced:

- (1) shall be captioned in the cause in which the judgment was entered;
- (2) shall state the date the judgment was entered or revived, and the amount thereof remaining unsatisfied;
- (3) shall require the party to whom it is directed, or if directed to a corporation or partnership, a designated officer or partner thereof, to appear for examination, at a time (not less than 5 days from the date of service of the citation) and place to be specified therein, stating whether the party shall appear in person or remotely, including by telephone or video conference, concerning the property or income of or indebtedness due the judgment debtor; and

- (4) may require, upon reasonable specification thereof, the production at the examination of any books, documents, or records in his or its possession or control which have or may contain information concerning the property or income of the debtor.

The citation shall be served and returned in the manner provided by rule for service, otherwise than by publication, of a notice of additional relief upon a party in default.

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- (e) **Hearing.** The examination of the judgment debtor, third party or other witnesses shall be before the court, in person or remotely, including by telephone or video conference, or if the court so orders, before an officer authorized to administer oaths designated by the court, unless the judgment creditor elects, by so indicating in the citation or subpoena served or by requesting the court to so order, to conduct all or a part of the hearing by deposition as provided by the rules of this court for discovery depositions. The court at any time may terminate the deposition or order that proceedings be conducted before the court or officer designated by the court, and otherwise control and direct the proceeding to the end that the rights and interests of all parties and persons involved may be protected and harassment avoided. Any interested party may subpoena witnesses and adduce evidence as upon the trial of any civil action in person or remotely, including by telephone or video conference. Upon the request of either party or the direction of the court, the officer before whom the proceeding is conducted shall certify to the court any evidence taken or other proceedings had before him.

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- (i) **Costs.** The court may tax as costs a sum for witness', stenographer's, and officer's fees, telephone and video conference service fees, and the fees and outlays of the sheriff, and direct the payment thereof out of any money which may come into the hands of the sheriff or the judgment creditor as a result of the proceeding. If no property applicable to the payment of the judgment is discovered in the course of the proceeding, the court may tax as costs a sum for witness', stenographer's, and officer's fees and telephone and video conference service fees incurred by any person subpoenaed, to be paid to him by the person who subpoenaed him, and unless paid within the time fixed, enforcement may be had in the manner provided by law for the collection of a judgment for the payment of money.

### **Rule 551. Traffic and Conservation Offenses for Which a Court Appearance is Required**

A court appearance, either in person or remote, including by telephone or video conference, is required for:

- (a) All alleged major traffic offenses of the Illinois Vehicle Code, as amended (625 ILCS 5/1-100 et seq.).  
(b) All alleged violations of the following specified sections:

ILCS	Description
625 ILCS 5/3-707	Operating Without Insurance
625 ILCS 5/3-708	Operating When Registration Suspended for Noninsurance
625 ILCS 5/6-101	No Valid Driver's License

625 ILCS 5/6-104	Violation of Classification
625 ILCS 5/6.-113	Operating in Violation of Restricted License or Permit
625 ILCS 5/11-1414(a)	Passed School Bus--Loading or Unloading
625 ILCS 5/15-112(g)	Refusal to stop and submit vehicle and load to weighing after being directed to do so by an officer, or removal of load prior to weighing
625 ILCS 5/15-301(j)	Violation of Excess Size or Weight Permit

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### **Rule 901. General Rules**

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(b) **Setting of Hearings.** Hearings in child custody and allocation of parental responsibilities proceedings shall be set for specific times and state whether parties shall appear in person or remotely, including by telephone or video conference. At each hearing, the next hearing shall be scheduled and the parties shall be notified of the date and time of the next hearing and whether the parties shall appear in person or remotely, including by telephone or video conference. Hearings rescheduled following a continuance shall be set for the earliest possible date.

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### **Rule 905. Mediation**

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(c) Every judicial circuit shall file a quarterly report with the Administrative Office of the Illinois Courts setting out the number of custody, allocation of parental responsibilities, visitation, parenting time, and relocation cases referred to mediation, the number of custody, allocation of parental responsibilities, visitation, parenting time, and relocation cases where mediation was referred but did not proceed, the number of cases referred on a pro bono basis, the number of cases where mediation proceeded remotely for any of the case participants and who appeared remotely, the number of cases where there was a full settlement, the number of cases where there was a partial settlement, and the percentage of cases wherein the parties were satisfied or unsatisfied with the process. Every judicial circuit shall require the completion of a mediation report filled out by a mediator on every custody, allocation of parental responsibilities, visitation, parenting time, and relocation case referred to mediation as well as the parties' evaluation of the mediation on forms prescribed by the Administrative Office of the Illinois Courts. The information contained in the mediator and parties' evaluation reports shall remain confidential and shall only be utilized for administrative and statistical purposes as well as the court's review of the efficacy of the mediation program.

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## Rule 942. Court Family Conferences

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### (b) Initial Conference

- (1) Time. At the temporary custody hearing, or as soon thereafter as possible, the court shall set the date and time for an initial Court Family Conference and state whether parties shall appear in person or remotely, including by telephone or video conference. The initial Court Family Conference shall be held not less than 56 days after the Temporary Custody Hearing.
- (2) Parties. All parties shall appear at the initial Court Family Conference except the minor, who may appear in person or through a guardian ad litem or his or her attorney. The caseworker assigned to the case must also appear. If no party objects, a foster parent may participate in the Conference. If any party objects, the court in its discretion may exclude the foster parent but the foster parent retains the right to be heard by the court before the end of the proceedings. The court may in its discretion allow other persons interested in the minor to attend the Conference at the request of the child or a parent. The court may permit any case participant to appear remotely, including by telephone or video conference. The failure of any party (with the exception of the child or his or her guardian ad litem or attorney) to appear, either in person or remotely, including by telephone or video conference, shall not prevent the court from proceeding with the Court Family Conference.
- (3) Record. If all parties are present for the initial Court Family Conference, the court shall conduct the Conference off the record, and at the conclusion of the Conference summarize the Conference for the record. If the parents are not present, the Court shall conduct the entire Conference on the record.
- (4) Disclosure of Service Plan. The Illinois Department of Children and Family Services or its assigns shall provide the most recent service plan to all parties seven days before the initial Court Family Conference. In the event that the service plan has not been filed with the court prior to the initial Court Family Conference, the court shall convene the initial Court Family Conference and discussion shall focus on services that would appropriately be included in the plan. Such discussion should ensure that the family and the caseworker have a clear understanding of the expectations of the court.
- (5) Issues.
  - i. The discussion at the initial Court Family Conference shall focus on eliminating the causes or conditions that contributed to the findings of probable cause and, if applicable, the existence of urgent and immediate necessity. If possible, at the conclusion of the discussion the court shall set a target date for return home or case closure. If the court determines that setting a target date for return home or case closure is not possible or is premature, the court, during the discussion, shall make clear to the parties and the caseworker what needs to be accomplished before the court will consider setting a target return home date.

- ii. The discussion at the initial Court Family Conference shall include the services contained in the service plan for the parents and the child. The needs of the child and visitation plans between the parent and the child and between the child and any siblings shall also be discussed.
  - iii. The discussion shall include any other matters that the court, in its discretion, deems relevant.
- (6) Other Issues. At the initial Court Family Conference, the court may address case management issues that would be appropriate for consideration at a subsequent Court Family Conference.
- (7) Order. At the conclusion of the initial Court Family Conference, the court shall enter an order approving the service plan or setting forth any changes the court requires to be made to the service plan.

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