

IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT

GENERAL ORDER 19-1

IN THE MATTER OF THE MODIFICATION )  
OF LOCAL RULES OF THE 23<sup>RD</sup> JUDICIAL )  
CIRCUIT OF THE STATE OF ILLINOIS )

**FILED**

**FEB 11 2019**

**ROBYN INGEMUNSON**  
CIRCUIT CLERK KENDALL CO.

The majority of the Circuit Judges of the 23<sup>rd</sup> Judicial Circuit having determined that the Local Rules should be amended as provided herein, and the majority of the Circuit Judges of the 23<sup>rd</sup> Judicial Circuit having agreed with the entry of this Order:

THEREFORE, IT IS ORDERED THAT the Local Rules of the 23<sup>rd</sup> Judicial Circuit shall be amended by the addition of the following:

**Existing Rule 5.0**

The current language within this section is repealed and is replaced with the following:

**Rule 5.0 CASE MANAGEMENT AND SETTLEMENT CONFERENCES**

(a) Case Management Conference

(1) In all cases except of MC, OV, and OP the Clerk of the Court shall, on the date of filing, assign an automatic case management conference date on the call of the Judge assigned to the case within 90 days from the date of filing. The Clerk shall affix notice of said date to the original pleading and to copies of said pleading to be served on the opposing party.

(2) In the event an automatic case management conference falls on a date when the Court is not in session, the case will be set for the next court date.

(3) Failure of the parties or their counsel to appear on an automatic case management conference date may result in dismissal for want of prosecution, default and/or other sanctions.

(4) In all cases subject to Supreme Court Rule 218, the attorneys for the parties with the responsibility for trial of the case, shall, prior to the automatic case management conference and each conference thereafter, confer regarding matters set forth in Supreme Court Rule 218.

(5) Failure to comply with Supreme Court Rule 218, local rules, or court orders pertaining to case management may result in sanctions being imposed against a party and/or attorney.

(6) In all Probate proceedings the Clerk of the Court shall, on the date of filing, assign an automatic case management conference date on the call of the Judge assigned to the case approximately nine (9) months from the date of filing. The Clerk shall affix notice of said date to the original pleading and to copies of said pleading to be served on the opposing party (if any).

(7) In the event that a court date is set by court order, which date is after the automatic case management conference date set by the Clerk of the Court, the Clerk of the Court shall strike the previously set automatic case management date. The filing of a notice of motion, issuance of an Alias Summons, or similar method by counsel with a court date after the automatic case management conference date which is set by the Clerk of the Court shall not cause the automatic case management conference date to be stricken.

#### **Existing Rule 5.95**

The current language within this section is repealed and is replaced with the following:

#### **5.95 RULE TO SHOW CAUSE, BODY ATTACHMENT**

A. Orders of Body Attachment and Rules to Show Cause must be continued to a date certain within six (6) months.

B. A Rule to Show Cause shall issue upon the filing of a verified Petition for Rule to Show Cause with proper notice to the opposing party. Petitions for Rule to Show Cause shall be handled as uncontested matters, and there shall be no evidentiary hearing at the time of issuance. Accordingly, the burden of proof shall not shift to the respondent upon the issuance of the Rule to Show Cause.

C. Any Order of Body Attachment shall include, at a minimum, the respondent's full name, race, gender, and date of birth, as well as any known physical description.

D. No order of body attachment or other civil order for the incarceration or detention of a natural person respondent to answer for a charge of indirect civil contempt shall issue unless the respondent has first had an opportunity, after personal or abode service of notice as provided in Supreme Court Rule 105, to appear in court to show cause why the respondent should not be held in contempt.

E. Where a Rule to Show Cause or body attachment is returned unserved:

1. The first alias shall be returnable no less than fourteen (14) and no more than thirty (30) days from the date of issuance. The second alias shall be returnable no more than sixty (60) days from the date of issuance. The third alias shall be returnable no more than ninety (90) days from the date of issuance.

2. If the third alias is returned unserved, the supplementary proceeding will

be dismissed with leave to reinstate upon showing that service can likely be obtained.

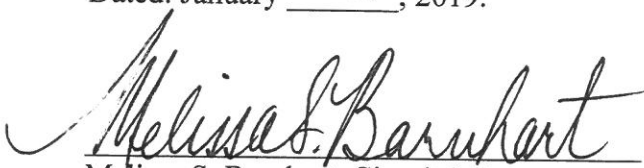
F. The provisions of this Section 5.95 shall apply to all civil, domestic relations, and child support cases.

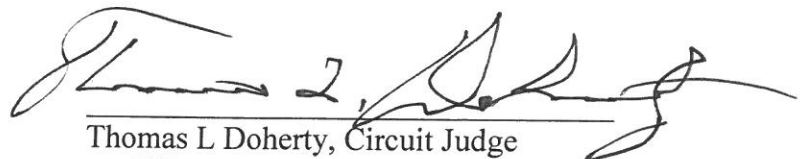
**Rule 6.20**


This section is deleted in its entirety.

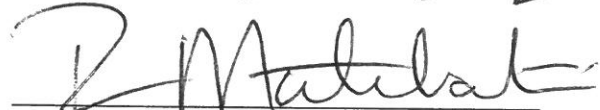
This Rule Amendment shall become effective upon adoption by the Circuit Judges of the 23<sup>rd</sup> Judicial Circuit.

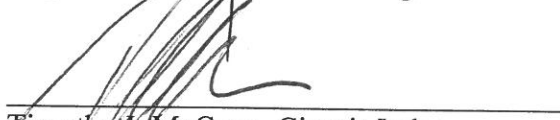
Dated: <sup>February</sup> January 11, 2019.


  
Melissa S. Barnhart, Circuit Judge

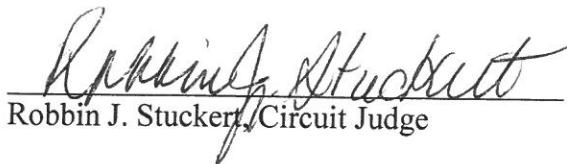
  
Thomas L. Doherty, Circuit Judge

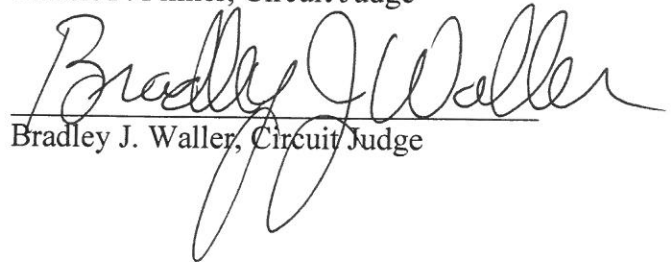
  
Stephen L. Krentz, Circuit Judge

  
Ronald G. Matekaitis, Circuit Judge

  
Timothy J. McCann, Circuit Judge

  
Robert P. Pilmer, Circuit Judge

  
Robbin J. Stuckert, Circuit Judge

  
Bradley J. Waller, Circuit Judge