REVISED PROTOCOL FOR FAMILY LAW CASES

The following revised Protocol is effective March 3, 2025. All prior Protocols or related Amendments or Orders are revoked.

Assignments

Judge Benjamin is assigned to all family law cases in which at least one party has an attorney. However, cases involving child support issues where the child support enforcement division of the State's Attorney's office is involved shall only be placed on Judge Sullivan's child support enforcement call, except with permission of the Court. The protocol and scheduling for such cases shall be through Judge Sullivan's office.

Latonya Stovall is the Court Clerk assigned to family law matters heard by Judge Benjamin. Inquiries and scheduling requests may be directed to Ms. Stovall at CourtroomBenjamin@champaigncountyil.gov or (217) 384-3702.

Pursuant to Champaign County Administrative Order 2023-8, effective March 4, 2024, Courtroom H will be shared between two judges, and family law matters before Judge Benjamin will be heard in Courtroom H as follows:

a. **Adoptions:** Monday, Wednesday, and Friday at 8:30 and 8:45 a.m.;
b. **Uncontested call:** Monday, Wednesday, and Friday at 9:00 a.m.;
c. **Settlement Conferences:** Monday afternoons, in chambers or remotely;
d. **Contested call:** Tuesday and Thursday at 1:15 p.m.; and
e. **Trials:** Monday, Wednesday, and Friday 9:30 a.m. – noon;

Additional trial dates will be held weekly in Courtrooms C and F, as indicated on a Family Law Pretrial Order entered in each individual case.

Uncontested Call

In calendar year 2025, Judge Benjamin in Courtroom H will generally hold an uncontested family law call at 9:00 a.m. on Monday, Wednesday, and Friday. The Court will not hear any contested matters during that call, as trials will typically start at 9:30 a.m. on those days. The types of matters envisioned by the call are status hearings, pre-trial conferences, initial and subsequent case management conferences, uncontested grounds hearings, change of name proceedings, and motions to withdraw. In order for your case to be placed on the call by agreement of both parties, the case number must be given to Ms. Stovall in Judge Benjamin's office before 2:00 p.m. on the day before the call. The moving party is required to provide at least fourteen (14) days' notice to the opposite side, unless both parties have agreed upon a sooner date. If a party is uncomfortable appearing in front of a large number of people on an uncontested matter, such cases can be individually scheduled for an available 8:30 or 8:45 a.m. setting on Monday, Wednesday, or Friday in Courtroom H.

Expedited Contested Call

In calendar year 2025, Judge Benjamin in Courtroom H will reserve time on a periodic basis for all emergency and temporary relief matters and all contempt matters. These matters will normally be heard on Tuesday and Thursday at 1:15 p.m. The Court reserves the right to limit the number of cases set on these dates and the length of any settlement conferences requested during the call. The Court may send overflow cases to any other available judge. The Court will not attempt to distinguish between emergency and non-emergency matters. No matter should be set for the expedited call unless it is reasonably expected to take 2 hours or less to complete.

The types of matters envisioned by this call are motions for temporary allocation of parental responsibilities (decision-making/parenting time), private child support enforcement, temporary possession of the marital residence, motions regarding other parenting time disputes, such as holiday parenting time issues, matters pertaining to adjudications of indirect civil contempt, motions to dismiss, all motions pertaining to discovery issues, and plenary orders of protection. Uncontested dissolutions/prove-ups may not be set on this call without permission of the Court. The Court reserves the right to limit the witnesses and testimony presented during the expedited call.

Motions to modify existing judgments, contested ancillary hearings and contested permanent allocation of parental responsibilities hearings should not be placed on this call unless specifically ordered by the Court. The Court will only schedule cases on this call for contested ancillary and permanent allocation of parental responsibilities proceedings or any type of modification proceeding when specifically necessary.

No case involving motions for interim attorney's fees and costs (pre-judgment and post-judgment), motions for temporary child support, and motions for temporary maintenance shall be placed on the expedited call without leave of court for good cause shown. Such motions shall be handled in an expedited, non-evidentiary fashion as described below. A Financial Affidavit must be filed by the moving party prior to or contemporaneously with the request to set any matter for a contested hearing on financial issues. The responding party must file a Financial Affidavit not less than seven (7) days in advance of the hearing.

In order for your case to be placed on the contested call for a particular day by agreement, the case number must be given to Ms. Stovall in Judge Benjamin's office before 2:00 p.m. on the day before the call. The moving party is required to provide at least fourteen (14) days' notice to the opposite side, unless both parties have agreed upon a sooner date. The Court has discretion to reduce the fourteen (14) day notice requirement in the appropriate circumstances upon an *ex parte* request by written motion made to the Court prior to notice being sent. The Court will base its decision to reduce the notice requirement only on the pleadings presented. The Court will rarely grant a reduction in notice for motions relating only to financial issues. If less than fourteen (14) day notice is authorized by the Court, notice by personal service shall promptly be given to the opposite side.

ALLOCATION OF PARENTAL RESPONSIBILITIES

All allocation of parental responsibilities proceedings involving decision-making and parenting time shall be resolved within eighteen (18) months from the date of service of the petition to the entry of the allocation judgment. Motions to continue these cases shall only be granted for good cause shown.

All parties filing a petition for allocation of parental responsibilities for decision-making and/or parenting time shall file, either jointly or separately, a Parenting Plan within one-hundred twenty (120) days after service of or the filing of any petition for allocation of parental responsibilities. The time period for filing a Parenting Plan may be extended by the Court for good cause shown. Any Parenting Plan submitted must follow and address all the content required under 750 ILCS 5/602.10(f). The Court may waive the requirement in cases of default.

Pursuant to Illinois SC Rule 923, all contested allocation and relocation proceedings shall be governed by Supreme Court Rule 218 case management proceedings. In all contested allocation and relocation proceedings an initial case management conference pursuant to Rule 218 shall be held no later than ninety (90) days after service of the petition. If relocation is in dispute, the Court will enter a referral to mediation. If allocation of parenting time is in dispute, the Court will enter a referral to mediation. The requirement for mediation may be waived by the Court for good cause shown, such as an active order of protection or a history of domestic violence between the parties. The mediator shall file a report with the Court pursuant to Sixth Circuit Administrative Order 06-3, as amended March 18, 2016. If allocation of decision-making is in dispute, the Court shall consider a referral to mediation, an appointment of a limited guardian ad litem or a 604.10(b) evaluation. The Court may also address any other appropriate issues with the parties at the initial case management conference.

A full case management conference pursuant to Supreme Court Rule 218 shall be held not later than thirty (30) days after mediation has been completed, or after the completion of a limited guardian litem investigation, or after the completion of the 604.10(b) evaluation. At a subsequent case management conference the Court may appoint an attorney for the child, a traditional guardian ad litem or a child's representative and may address any appropriate issue. The Court may also set a subsequent case management conference or a trial date. All discovery shall be completed not later than 60 days before the trial date unless said requirement is waived by both parties. At the initial and/or subsequent case management conference the Court will enter a Case Management Order.

It is the responsibility and obligation of the Petitioner in a contested allocation case to request and schedule an initial case management conference with the Court not later than ninety (90) days after service of the petition on the Respondent or after notice is sent to Respondent. It is also the responsibility and obligation of the Petitioner to request and schedule a subsequent case management conference not later than thirty (30) days after mediation has been completed or after the completion of the limited guardian investigation or after the completion of a 604.10(b) evaluation.

Parenting Education

All parties prior to the entry of a permanent allocation order shall be required to attend and complete parenting education classes and file a certificate of completion with the Court. Unless good cause is shown, this shall be done prior to mediation, unless mediation is waived and then no later than sixty (60) days after the initial case management or pre-trial conference. Attendance at parenting education classes may be excused only for good cause shown. The Court may impose appropriate sanctions on any party for failure to complete the program and for failure to file the certificate. If the parties have not completed parenting education classes prior to the initial case management conference or prior to the pre-trial conference, an Order shall be entered.

Limited Guardians Ad Litem in Contested Allocation of Decision-Making Matters

After completing mediation or after mediation is waived by the Court, if the parties represent to the Court that allocation of parental responsibilities for decision-making is at issue, the Court may appoint a limited guardian ad litem. The limited GAL will be selected from a list of qualified lawyers with family law and custody experience to conduct an investigation and make recommendations to the parties, counsel and the Court. This appointment is made pursuant to 750 ILCS 5/506(a)(2). The attorney appointed is not an attorney for the minor child, a representative of the minor child, or a traditional guardian ad litem. However, the LGAL may be converted to a traditional guardian ad litem upon motion of a party and appropriate circumstances.

Unless otherwise ordered by the Court, the LGAL will only be appointed for permanent allocation matters, not temporary allocation matters. If there is a request in the pleadings for decision-making or relocation, both parties must state on the record at the time of a request to appoint an LGAL that one of these issues is still in dispute. The Court will not appoint a limited guardian ad litem in cases where only the allocation of parental responsibilities for parenting time is in dispute, unless the Court finds the circumstances appropriate for such an appointment.

The initial LGAL fee will be $500.00 per party, to be paid within 72 hours unless extended by the Court. However, the Court will not grant more than 30 days to pay the fee, except in extraordinary circumstances. If a party indicates an inability to pay, the Court will determine the issue in a summary fashion, which may include completion of financial affidavits. If the Court finds that one party is unable to pay, the Court may order the other party to pay up to the full LGAL fee, subject to reallocation at the conclusion of the case. The LGAL is not required to begin the investigation until the fees are paid. If a party does not pay the LGAL fee within the time ordered by the Court or any additional time ordered by the Court, the case may be continued until the fee is paid, or the appointment may be vacated and an adverse inference may be drawn by the Court against the non-complying party as to the allocation issue. If the LGAL determines that the investigation will take substantially more than 5-10 hours to complete, an additional fee may be required.

Counsel, or in the case of an unrepresented party, the self-represented litigant, must send to the LGAL the relevant pleadings. However, no additional documentation, including communications between the parties, photographs, social-media posts, etc. may

be sent to the LGAL unless and until the LGAL specifically requests such documentation. The LGAL may initially report his or her recommendations to the attorneys orally. At that time, the LGAL shall file a notice with the Court indicating that the investigation is complete. In general, the LGAL is not required to do any additional investigation once he or she makes the recommendations known to the parties.

However, the Court may order further investigation, such as when the LGAL's original investigation occurred many months prior, there has been no further activity by the LGAL, and there is a request of the parties to do further investigation. If the Court orders the LGAL to conduct further investigation, the parties may be ordered to pay an additional fee to the LGAL of up to $500 per party. If the issue of allocation of parental responsibilities is not resolved following the oral recommendations of the LGAL, the Court will direct the LGAL to prepare a written report, and the Court will assess an additional fee of $250 per party for preparation of the report. The LGAL shall submit the report 30 days prior to the first date of trial, unless otherwise ordered by the Court.

The LGAL is the "eyes and ears" of the Court. Therefore, the Court will consider the written report of the LGAL at any hearing. A party may call the LGAL to testify at their expense. The LGAL has the right to request payment prior to testifying. The limited guardian ad litem will be expected to have a conference with both parents in the guardian's office, interview the minor or minors involved, if appropriate, and interview any significant other individuals involved, if appropriate. Interviewing collateral witnesses is not required. The limited guardian ad litem will then meet with the attorneys to explain his or her recommendation and, if ordered by the Court, will write a report to the Court regarding his or her recommendation. In general, the Court will order the LGAL to file a written report if the parties have not submitted an agreed Parenting Plan within 60 days of competition of the LGAL investigation. This written report is not required to specifically discuss each statutory factor regarding the allocation of decision-making and parenting time, but rather is intended to be a summary of the investigation, recommendations and basis for the recommendations in light of the statutory factors. The limited guardian ad litem's appointment will then be vacated.

If the allocation dispute is not then resolved and both parties or one party so requests, the Court will order a home and background investigation by an evaluator pursuant to 750 ILCS 5/604.10(b). If only one party requests a home and background investigation, the initial cost of said investigation will be the responsibility of the requesting party, subject to reallocation.

Decision-Making

There is no presumption that all significant decision-making responsibility will be allocated to only one party, and there is no presumption that significant decision-making should be allocated jointly between the parties. Each case is unique and must be judged on the facts and circumstances presented.

If the parties agree to joint decision-making for educational matters, and the child or children are not yet enrolled in an elementary school at the time a Parenting Plan is entered, it is critical that the parties make provisions for which school or school district the child(ren) shall be enrolled in, or that they specify a process for resolving this issue in a timely manner before school registration begins.

It is often appropriate in cases with actively involved parents, who live close geographically and who have no history of domestic violence, to share joint decision-making as to extracurricular activities. This maintains both parents' involvement and avoids one party enrolling the child(ren) in excessive activities or activities on the other party's parenting time.

Parenting Time

The law requires the Court to establish parenting time based on the best interest of the child(ren). Each case is unique and must be judged on the facts and circumstances presented. There is no presumption that a party is entitled to equal parenting time. There is also no presumption that one parent receive what has been historically been called "standard parenting time." The Court must determine what is in the best interest of the child(ren) by considering numerous factors.

The Court may establish parenting time anywhere from a) all to one party and none to the other in cases of serious endangerment, to b) equal parenting time. The Court will consider all the statutory and non-statutory factors but will closely look at whether: a) there is joint decision-making, b) the parties live near to each other geographically, c) which party has cared for the child(ren) on a regular basis in the recent past, d) the presence of substance abuse or violence, e) whether a parent is unwilling or unable to encourage a positive relationship between the child(ren) and other parent and f) the age of the child(ren).

The standard, or default, parenting time that will generally be ordered by this Court for a parent in a situation where the other party has all the significant decision making responsibilities is, substantially, every other Friday after school until Monday before school, one overnight per week, alternating major holidays and 2-6 weeks in the summer, depending on the age of the child(ren) and geographic proximity of the parents.

The Court will consider a request in the above situation for additional parenting time where the requesting parent has been active and involved in the life of the child(ren) and the parties live in close geographical proximity.

Parenting Coordinators

Pursuant to Supreme Court Rule 909, the Court will consider the appointment of a parenting coordinator in appropriate cases. Generally, parenting coordinators may be appointed when a permanent Parenting Plan has already been entered, but the parties continue to have disputes regarding their children that they are unable to resolve through mediation. Parenting Coordinators are generally not appropriate in cases involving an allocation of joint decision-making. The parenting coordinator must be qualified pursuant to Rule 909 and the local rules of the Sixth Judicial Circuit Court, and is limited to the subject matter outlined in Rule 909. The parties are responsible for all fees charged by the parenting coordinator.

Family Law Cases Not Involving Contested Allocation

Supreme Court Rule 218 case management procedures are not applicable to family law cases not involving contested allocation issues. In order to obtain a contested hearing date for any of these non-allocation issues (pre or post-dissolution cases, family cases, and all petitions to modify), all cases must first have a pre-trial conference. The Court at the Pre-Trial Conference will enter a Family Law Pre-Trial Order. The Court will require the parties to file an updated or amended financial affidavit in all cases in which there is a dispute involving property, debts, educational expenses, temporary or permanent child support, temporary or permanent maintenance or other financial issues.

An approved Financial Affidavit may be obtained from the Illinois Supreme Court's website at https://www.illinoiscourts.gov/forms/approved-forms/forms-circuit-court/divorce-child-support-maintenance/. All Financial Affidavits must be supported by documentary evidence including, but not limited to the most recent income tax returns with W-2 or 1099 statements, last three pay stubs, and last two months of bank account statements. Unless the Court otherwise directs, any affidavit or supporting documentary evidence submitted shall not be made part of the public record but should be available to the Court either by a sealed confidential filing or securely retained by the parties.

FINANCIAL ISSUES

Mediation of Financial Issues

The "Champaign County Court Referred Program For Mediation of Financial Issues In Domestic Relations Case" has been approved by the Illinois Supreme Court and by local administrative order.

The rules governing this program are available on the Champaign County Circuit Court website. The mediation may relate to any financial or property issue in any action, pre-dissolution, post-dissolution or paternity. The Orders to be used in such mediation are also attached to the rules.

The Court will order financial mediation if requested by both parties. If mediation is ordered, the mediator must be selected from the list of "Court-Approved Financial Mediators." If mediation is ordered, the following rules apply:

(1) Discovery may, at the discretion of the attorneys, continue throughout mediation;

(2) The attorneys may, at their discretion, be present at the mediation;

(3) Both parties must sign confidentiality agreements prior to commencement of the mediation;

(4) No hearing will be given by the Court on property or financial issues as long as the mediation is in progress; and

(5) Both parties must pay the mediator for at least one (1) hour of his/her established mediation hourly rate before the mediation will commence.

Interim Attorney's Fees and Costs

Unless good cause is shown, interim fees and costs will be dealt with on a non-evidentiary and summary basis pursuant to 750 ILCS 5/501(c-1)(1). If a motion or request for interim attorney's fees and costs (pre-judgment or post-judgment) is filed, a courtesy copy of the filing must be sent to Judge Benjamin's chambers via the courtroom email address. The motion must provide one or more affidavits that delineate relevant factors outlined in section 501(c-1)(1) as well as a listing of interim fees charged by the attorney, paid by the party, paid by the opposing party and any unpaid amount. Failure to supply sufficient information to support the motion may result in a summary denial of relief.

Upon receipt of the motion, the Court will order the other party to file a response within 21 days. The response shall include the amount of retainer or other payments previously paid to the responding party's counsel or on behalf of the responding party, costs incurred and whether they are paid or unpaid, and relevant factors outlined in section 501(c-1)(1). The responding party must then also send a courtesy copy of the response to Judge Benjamin's chambers. Failure to file a response may result in a finding against the responding party. Upon receipt of the response, the Court will enter an appropriate docket entry or order disposing of the petition.

Temporary Child Support and Temporary Maintenance Hearings

Unless agreed to by the parties or where good cause is shown, temporary child support or maintenance will be dealt with on a summary basis pursuant to 750 ILCS 5/501(a)(2). Counsel should contact Ms. Stovall for a status hearing to set deadlines. Any Motion must be supported by a Financial Affidavit as well as an affidavit from the party as to the factual basis for the relief requested and supply the following information: allocated parenting time, financial affidavits, tax returns, pay stubs, banking statements and other relevant documentation and a proposed figure with supporting calculations. Failure to supply sufficient information to support the motion may result in a summary denial of relief.

At the status hearing, the Court will order the other party to file a response within 21 days supported by a Financial Affidavit as well as an affidavit from the party as to the factual basis for the relief requested and supply the following information: allocated parenting time, financial affidavits, tax returns, pay stubs, banking statements and other relevant documentation, and a proposed figure with supporting calculations. Failure to file a response may result in a default. If the Court finds good cause is shown, an evidentiary hearing may be held. If the Court finds that there is good cause for an evidentiary hearing, the motion will be placed on the expedited call. The Financial Affidavits shall be filed with the Court. All attached documents shall be redacted in regard to confidential information and the original documents shall be sealed by the Circuit Clerk upon the filing of a "Notice of Confidential Information Within Court Filing."

Child Support Calculations and Uniform Orders for Support

If child support is requested and the parties agree on the methodology to be used (standardized or individualized), both parties shall submit their calculations using the same methodology. If the parties do not agree on the methodology, the parties shall submit their calculations using both methods and explain to the Court, in their view, which should be used.

In many situations, the parties submit parenting plans that allow every other weekend, one night per week, alternating holidays and half of summer /winter vacation. The parties oftentimes do not indicate if the "non-custodial parent" has 146 or more overnights per year. To assist the Court in child support calculations, the parties must advise the Court as to the number of overnights for each party. In this way, the Court can properly determine whether "income shares" applies and, if so, conduct a proper analysis.

A Uniform Order for Support must be submitted in all cases where child support is ordered. All Withholding Notices must be substantially consistent with the revised Federal Income Withholding for Support forms.

Final Pretrial Conference

In all cases where financial issues are scheduled for a trial of one day or more, the issues are complex or the marital estate is large, the Court shall set a final pretrial hearing. Such hearings can be set in other cases at the request of both parties or on the Court's own motion. The final pretrial will be approximately 30 days before the trial date.

A Final Pretrial Conference shall take place in open court or in chambers. If in chambers, at the option of the attorneys and at the discretion of the Court, the clients may be present. At the conclusion of the conference in chambers and at the request of either party, a record shall be made in open court, except as to settlement discussions. One objective of the conference is to facilitate settlement. The judge may express tentative thoughts in order to facilitate settlement without the expense and emotional anguish of continued litigation. Motions for substitution of judge may be made following such a conference if allowed by Section 2-1001 of the Code of Civil Procedure, 735 ILCS 5/2-1001; however, untimely motions made after the trial or hearing has begun will generally be denied.

Petitions For Final Contribution to Attorney's Fees

Any petitions for a final contribution to attorney's fees from the other party filed pursuant to 750 ILCS 5/508(a) or (c) and 5/503(j) must include an itemized statement of services rendered from the petitioning attorney. Any petition under 508(c) must attach the written engagement agreement between counsel and the Client. Please make sure that all hours are totaled, the specific hourly rate is stated, and the amount requested for contribution is specifically noted. If final contribution is sought for the services of a prior attorney or attorneys of the petitioning party, a similar itemized statement from the prior

attorney or attorneys must also be attached. Failure to comply with the statutory requirements may result in denial of relief.

MISCELLANEOUS ISSUES:

Mediators and Guardians ad Litem

Mediators and Guardians ad Litem must meet all applicable statutory and Supreme Court educational and other requirements. The most current list of approved Mediators and Guardians ad Litem can be found at the Circuit Court website, https://www.co.champaign.il.us/CircuitCourt/Orders.php.

Name Changes for Adults and Minor Children

Effective March 1, 2025, publication is no longer required for adult name changes. However, if a petitioning party has been adjudicated or convicted of a felony or misdemeanor offense for which a pardon has not been granted, or has an arrest for which a charge has not been filed, or has a pending charge in a felony or misdemeanor case, the Circuit Clerk is required to serve a copy of the petition on the State's Attorney and the Illinois State Police. The State's Attorney may file an objection within 30 days of the date of service. A hearing will be set after expiration of the 30 day period. For all other cases involving adults, no notice is required, and no hearings will be set. Petitioners must submit a proposed Order for Name Change with all sections completed through the electronic filing system.

Pursuant to Section 21-103.5 of the Code of Civil Procedure, 735 ILCS 5/21-103.5, for any case involving a request to change the name of a minor child, actual notice and an opportunity to be heard shall be given to any parent whose parental rights have not been previously terminated and to any person who has been allocated parental responsibilities. If a parent resides outside the state, notice must be provided as stated in Section 21-104.

Protection Against Identity Theft

The Court continues to be concerned about the amount of personal information that is contained in family law court files, particularly in exhibits tendered to the Court in contested hearings. These exhibits frequently include social security numbers, checking and savings account numbers, investment, pension – type account numbers and credit card numbers. The Court requests that in all certificates of dissolution and on all exhibits or other documents tendered to the Court such identifying information be limited to the last four digits of each account, credit card or number in question. Supreme Court Rule 138 requires, in certain situations, a "Notice of Confidential Information Within Court Filing" to be filed.

Email Correspondence to the Court and Court Clerk

All attorneys and self-represented litigants are hereby advised that email correspondence with the Court and Court Clerk is to be conducted in a professional and concise manner. All motions, including motions to continue that are not agreed upon in advance, must be filed in accordance with the Code of Civil Procedure and Supreme Court Rules, and no motions may be made through email correspondence. Counsel may, however, advise the Court by email if a matter will be continued by agreement or has been settled. All email correspondence is subject to being filed in the public record, and any harassing correspondence sent the Court or Court Clerk will be grounds for sanctions or a finding of contempt.

Court Waiting List

The Court maintains a list of cases where attorneys are seeking earlier hearing dates in cases with already established specific hearings dates. If you wish to be on the waiting list, please notify Ms. Stovall, and you will be contacted if there is a cancellation of an earlier hearing. Both sides, however, must agree on the earlier date.

Impoundment Of Court Documents and Filings

The Court will not generally impound documents, pleadings or other papers filed with the Court. The general procedure in this regard is that once a document, pleading or paper is filed, it stays in the Court file. If the parties wish to keep a Marital Settlement Agreement confidential, it should not be filed with the Court. Oral representations on the record can be made of the agreement, and one party can be ordered by the Court to retain the original agreement in the event of a dispute. The only exceptions are financial affidavits, the written reports of the limited guardian ad litem, psychological evaluations, written reports by psychologists, social workers or psychiatrists, written 604.10(b) evaluations and documents that are sealed at the request of the parties solely to protect social security numbers, such as qualified domestic relations orders.

Body Attachments on Orders to Show Cause

Except in response to petitions alleging nonpayment of child support, the Court will not issue a body attachment on an order to show cause for the non-appearance of the person to whom the order is directed unless there has been proof presented of personal or abode service. See 735 ILCS 5/12-107.5.

Oral Agreements

The Court will not approve any permanent Marital Settlement Agreement or Parenting Plans that are not in writing at the time of the prove-up. If the parties request to

do an oral prove-up, the Court will first determine whether good cause exists to do so. If good cause is found, the oral agreement will be binding on the parties verbatim, and the Court may set a deadline by which the Order must be entered. See 750 ILCS 5/502.

File-Stamped Documents and Signature Files

Pursuant to County Administrative Order 2016-06, no filings are to be accepted in court and all court documents must be filed with the Champaign County Circuit Clerk's Office. The parties must obtain a file-stamped copy of any signed order from the Circuit Clerk.

Pursuant to Illinois Supreme Court Rule 9, parties must file documents electronically in all civil matters. As with signature files in the past, the Court will use all reasonable effort to electronically sign orders within 24 hours of its receipt from the Circuit Clerk. The Court does not accept hard-copy agreements or Orders to be entered in person or by mail. This includes Orders being mailed to or brought to chambers. The Court, in its discretion, may allow paper Orders to be entered during its 1:15 pm contested call due to the expedited nature of the case.

Counsel is not required to supply the Court with a courtesy copy of all filings but only those that need the Court's immediate attention. This includes filings that the Court must act on such as a Request for Interim Fees/Response or a Request to waive 14-day notice of hearing.

Settlement Conferences

In addition to a final pretrial conference in financial matters, the Court is available to conduct settlement conferences in any type of case if requested, orally or in writing, by both parties. By agreement, settlement conferences with attorneys only may be conducted remotely. At the option of the attorneys, the settlement conference may be held with the judge hearing the case or with a judge who will not be hearing the case. At the option of the attorneys and at the discretion of the Court, the clients may be present for such conferences. The objective of the conference is to facilitate settlement by giving the judge a short oral or written presentation of the facts of the case by both parties. The judge may express his or her tentative thoughts in order to facilitate settlement without the expense and emotional anguish of continued litigation. If, after the settlement conference, one or both parties wish to file a motion for substitution, such motion will be reviewed in accordance with Section 2-1001 of the Code of Civil Procedure, 735 ILCS 5/2-1001. When a settlement conference is held at the start of the trial or any substantive hearing, however, motions to substitute will generally be deemed untimely and denied.

Orders of Protection and Stalking No Contact Orders

Where there is a pending family case and one of the parties files a Petition for either emergency relief or a plenary order, the family court file shall be provided to the Court at the first appearance on the Petition. Pursuant to 750 ILCS 60/202(c), the Petition

may be consolidated with the family case for further proceedings and all future filings must be filed in the family case. The purpose of this procedure is to ensure that the trial judge is aware of the pending dissolution or family law case and to prevent Petitioners from using an Order of Protection as a tool to gain an advantage in the pending family case, especially as it affects parental responsibilities.

Hearings On Motions, Dismissals, and Withdrawals of Counsel

The moving party must obtain a hearing date within 90 days of a Motion being placed on file. If an allotment is not obtained from the Court within that time frame, the Court may deem the Motion withdrawn and deny the relief requested with, or without, leave to refile.

Rule 13(c)(2) of the Illinois Supreme Court Rules requires that an attorney seeking to withdraw must do so with leave of the Court and written notice to all parties of record. Unless another attorney is substituted, the withdrawing counsel must give notice of the motion for leave to withdraw by personal service, certified mail, or a third-party carrier.

Matters Taken Under Advisement

Any matter taken under advisement will be ruled upon by the Court within 60 days unless the Court advises the parties that more time is needed. A status hearing for entry of the Order or ruling may be set by the Court.

Remote Hearings

Pursuant to Supreme Court Rule 45, case participants are allowed to appear at hearings remotely without advance approval from the Court, except for evidentiary hearings, settlement conferences, and bench trials. The presentation of in-person testimony remains of utmost importance in trials and evidentiary hearings. Pursuant to Supreme Court Rule 241, the Court may allow a case participant to testify at an evidentiary hearing or trial by video conference for good cause shown and upon appropriate safeguards. The parties are responsible for ensuring that the witness testifying remotely is aware of this Court's protocol and has adequate space, technology, and internet access to conduct the examination in a professional manner. The Court will not allow testimony by telephone or audio except in compelling circumstances for good cause shown and upon appropriate safeguards.

Appropriate safeguards must ensure accurate identification of the case participant and protection against inappropriate influences, including but not limited to persons communicating with the case participant without the Court's knowledge and/or the case participant's inappropriate access to materials or information, including but not limited to documents, emails, calculators, calendars, or the internet, during the case proceedings. Counsel conducting the direct examination must ask questions of the witness after the witness has been sworn to ensure appropriate safeguards are in place.

Procedural and Document Requirements

Due to the electronic submission of Orders and the need to ensure that the same are properly entered and noted on the record, the following procedures will be used:

All Orders and Judgments:

a. All judgments or orders submitted electronically, including but not limited to form orders such as Uniform Orders for Support and Qualified Domestic Relations Orders, must include on the last page the name, address, telephone number, ARDC number, and email address, if applicable, of the attorney or party who prepared the document, pursuant to Illinois Supreme Court Rule 131.
b. All agreed judgments or orders entered must be signed by the party or attorney who did not prepare the document. Any orders or judgments that are not signed by the opposing party or counsel may be held until the date of the next hearing or, if no hearing has been set, may be rejected.
c. If an Order or Judgment is time-sensitive, a courtesy copy may be sent by email to CourtroomBenjamin@champaigncountyil.gov.

Judgments of Dissolution of Marriage:

a. In cases with at least one attorney, the Court will accept agreed Judgments of Dissolution of Marriage which incorporate the parties' signed Marital Settlement Agreement and, if applicable, a Parenting Plan, without the necessity of a hearing if the following requirements are met.
b. The Judgment of Dissolution must be signed by the opposing party or counsel, and the Marital Settlement Agreement and Parenting Plan must be signed by both parties. For ease of processing, these should be filed in the same electronic envelope with the Judgment.
c. If one party is self-represented, that party must have a signed and notarized Entry of Appearance on file, which is not notarized by counsel for the other party, waiving notice of hearing on the Petition for Dissolution.
d. Both parties must have filed their certificate of completion of an approved parenting education program, if applicable.
e. If there is a provision for payment of child support, a Uniform Order of Support must be entered contemporaneously or within a reasonable time thereafter.
f. Judgments of Dissolution may not be entered by default (i.e.: without an entry of appearance on file) until after a hearing with due notice to the Respondent, pursuant to Section 405 of the Illinois Marriage and Dissolution of Marriage Act.

Substitution and Withdrawal of Counsel:

a. Pursuant to Illinois Supreme Court Rule 13, counsel may not withdraw an appearance without leave of court and notice to all parties of record, except in the case of a written limited scope appearance.
b. Unless another attorney is substituted, reasonable notice must be provided of the date and time of the hearing on the motion to withdraw, in writing.
c. Substitutions of counsel may be submitted without the necessity of a hearing if signed by current counsel, the client, and incoming counsel.

d. Agreed orders of withdrawal may be submitted without the necessity of a hearing if signed by both the client and the opposing party or attorney.

Dated: 2-18-25

Anna M. Benjamin, Associate Judge

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