

STATE OF ILLINOIS            )  
                                          ) SS.  
COUNTY OF DU PAGE        )



IN THE CIRCUIT COURT OF THE 18TH JUDICIAL CIRCUIT  
DU PAGE COUNTY, ILLINOIS

IN THE MATTER OF MODIFICATIONS AND        )        Administrative Order No. 19-7  
ADDITIONS TO THE CIRCUIT COURT RULES    )


WHEREAS, the Circuit Judges of the 18th Judicial Circuit adopted local Circuit Court Rules on November 16, 2004; and

WHEREAS, from time to time the Circuit Judges find it necessary to ratify and codify certain revisions, amendments and additions to said local Circuit Court Rules; and

WHEREAS, on February 13, 2019, **Circuit Court Rule 5.06 FILING OF EXHIBITS** and **Circuit Court Rule 15.05 DISCOVERY** were amended.

IT IS THEREFORE ORDERED that these changes, shown as adopted in Exhibit A attached hereto, were adopted into the local Circuit Court Rules to be effective February 13, 2019.

ENTER: 2/20/19

  
\_\_\_\_\_  
Daniel P. Guerin  
Chief Judge

Dated: February 20, 2019  
Wheaton, Illinois

## 5.06 FILING OF EXHIBITS

***(a) Physical items for which a photograph may be substituted may be electronically imaged and e-filed. Items not conducive to electronic filing, such as documents under seal and physical exhibits for which an image will not suffice shall be filed in their physical form at the Clerk's Office or in the Courtroom, as directed by order of the court and in conformity with Supreme Court "Electronic Filing Standards and Principles". The Motion and Notice of Motion for permission to file any of these physical items may be done electronically.***

***"(b) Electronically filed exhibits may be filed with their associated pleading, motion, or document in the same PDF as long as size limits allow for it. Any exhibits that are filed separately from their associated pleading, motion, or document due to size limitations (even though filed in the same transaction), shall be filed with the DuPage Exhibit Cover Sheet, Form 4393. Exhibits tendered without the appropriate cover sheet may be rejected for filing."***

## 15.05 DISCOVERY

The provisions pertaining to discovery contained in Local Rules 7.01 and 7.02 are also applicable to all cases for declaration of invalidity of marriage, dissolution of marriage, legal separation or miscellaneous remedies (MR) and parentage (F) cases assigned to Domestic Relations.

In all Domestic Relations proceedings involving child support, children's expenses, college expenses, maintenance, the division of marital and non-marital assets, and attorney's fees, each party shall provide the other with a completed *Financial Affidavit* in the form approved by the Illinois Supreme Court.

### (a) **Mandatory ~~Good-Faith Disclosure~~ — Financial Disclosure Statement Affidavit**

#### 1. Pre-Decree Actions ~~Judgment Proceedings~~:

- a) Within thirty (30) days of the filing of the defendant's/respondent's general appearance or the first responsive pleading in any pre-judgment Domestic Relations proceeding ~~for dissolution of marriage, dissolution of marriage or legal separation~~, each party shall serve upon all parties entitled to notice, ~~the~~ a completed *Financial Disclosure Statement with corroborating documents* Affidavit in the form ~~established~~ approved by ~~these rules~~ the Illinois Supreme Court.
- b) ~~Each party shall~~ At the time the *Financial Affidavit* is tendered to the other party, the tendering party shall immediately file with the Clerk of the Circuit Court ~~within seven (7) days thereafter~~ a certificate of compliance and proof of service, certifying ~~the Financial Disclosure Statement has been completed and setting forth the date on which the~~ that a completed Comprehensive *Financial Statement* and corroborating documents were Affidavit was served upon those parties entitled to notice. If known at the time of service, the party serving the ~~Financial Disclosure Statement shall identify any claim for dissipation of marital assets.~~ The *Financial Disclosure Statement* Affidavit shall not be filed with the Clerk of the Circuit Court.
- c) If any request for temporary financial relief is made prior to the expiration of thirty (30) days ~~from~~ for the filing of ~~Respondent's/respondent's~~ appearance or responsive pleading, a ~~preliminary *Financial Disclosure Statement*, with corroborating documents,~~ Affidavit shall be served contemporaneously with the ~~Notice~~ notice and the ~~Petition~~ petition/motion seeking temporary financial relief, and the responding party shall provide a ~~preliminary *Financial Disclosure Statement* Affidavit and required documents to~~ the all parties entitled to notice and to the Court, with the



~~court response to the temporary petition/motion, and not less than two (2) court days prior to the hearing. Income, expenses, assets and liabilities as requested in Sections I, II, III and V of the Financial Disclosure Statement shall be provided, with sufficient particularity to permit a meaningful hearing on the temporary on the temporary financial relief sought.~~

**2. Post-Decree Actions/Judgment Proceedings:**

~~a) — In any post-judgment domestic relations case or post-judgment parentage case where both parties are represented by private (non-government) counsel, when any party is seeking to establish or modify the issues of temporary or permanent support, maintenance or contribution to daycare, extracurricular, medical insurance, or college expenses, the pleading and response shall incorporate an affidavit containing the information specified in Items I through VI of the Financial Disclosure Statement established by these rules. The affidavit shall not be filed with the Clerk of the Circuit Court, but shall be provided with corroborating documents to all parties entitled to notice simultaneously with the pleading.~~

~~3. — If a party is unable to complete any portion of the Financial Disclosure Statement, he or she shall indicate his or her inability to do so by answering “unknown” to each such specific item, and shall so certify on the last page of the Financial Disclosure Statement pursuant to 735 ILCS 5/11-109.~~

**(b) Corroborating Documents:**

~~1. — Within the same time provided for service of the Financial Disclosure Statement, every party shall produce all corroborating documents in support of the allegations of the Pleadings and the Financial Disclosure Statement or required affidavit. The corroborating documents shall be produced whenever a party has such documentation, or whenever a party can obtain such documentation upon reasonable effort from other sources.~~

~~2. — The income corroborating documents shall include (but not be limited to) copies of the prior three (3) years 1040 personal and business (partnership, corporate, etc.) federal and state tax returns (including all schedules and supporting documents). If the tax return for the prior year has not been filed, then copies of prior year's W-2s, 1099s and other proof of income shall be tendered, as well as the most recent pay stub and the prior year's year-end pay stub.~~

~~3. — All corroborating documents shall be labeled and indexed to correspond to the paragraph of the Financial Disclosure Statement to which the document relates. No formal discovery requests for this information shall be a prerequisite~~



~~to enforcement for non-compliance with this Rule. The documents shall not be filed with the Clerk of the Circuit Court, but shall be served upon each person entitled to notice under the Illinois Supreme Court Rules, with proof of service filed with the Clerk.~~

~~(c) **Duty to Update.** Each party, through counsel if represented, shall update and amend the Financial Disclosure Statement or required affidavit, and all corroborating documents every 90 days, with the last update due at least seven (7) days before trial. Such updates or amendments shall not be filed with the Clerk of the Circuit Court, but shall be served upon each person entitled to notice under the Illinois Supreme Court Rules, with proof of service filed with the Clerk of the Circuit Court.~~

~~(d) a) In any post-judgment financial Domestic Relations proceedings (excluding enforcement proceedings), the moving party shall tender a *Financial Affidavit* to the opposing party within fourteen (14) days of the filing of the post-judgment proceeding, and the opposing party shall tender to the moving party a *Financial Affidavit* within fourteen (14) days of receiving the moving party's *Financial Affidavit*.~~

~~3. Extension of Time:~~

~~a) The Court, in its discretion, may extend the time for the tendering of the *Financial Affidavits* and required documents, as required in paragraphs 1 and 2 above, on notice and motion and for good cause shown.~~

~~(b) **Duty to Update.** Each party in pre-judgment Domestic Relations proceedings shall tender an updated *Financial Affidavit* thirty (30) days before trial.~~

~~(c) **Sanctions for Non-Compliance.** Upon motion by any party, the Court may impose such sanctions for ~~violations~~any violation of these Rule 15.05 DISCOVERY RULES IN FAMILY LAW CASES as are provided, including all sanctions set forth in Illinois Supreme Court Rule 219.~~

~~1. Failure to maintain corroborating documents after filing or receipt of a pleading covered by these rules shall be prima facie evidence of non-compliance.~~

~~2. The Court shall consider a party's compliance or non-compliance with these rules in the allocation of attorney's fees and costs pursuant to 750 ILCS 5/508. Attorney's fees may be awarded for time attributable to delay in complying with these Local and Illinois Supreme Court Rules regarding discovery.~~

(e)(d) **Additional Discovery.** A party may shall not make ~~additional non-duplicative discovery requests, in accordance with the requirements set forth in the Illinois Supreme Court Rules and Illinois Code of Civil Procedure, which may contain duplicative requests for information which is required to complete the *Financial Affidavit*~~ until the party has ~~served~~tendered to the opposing party a completed ~~*Financial Disclosure Statement in compliance with this rule*~~*Affidavit*.