

**Circuit Court of Cook County  
Domestic Relations Division**

**Judge Thomas J. Kelley, 312-603-2620  
Team D**

**Calendar 45, Courtroom CL 06  
Richard J. Daley Center  
50 W. Washington St., Chicago, IL 60602**

**Coordinator: Roxanne De Julius, 312-603-4823**

**Court Clerk: Alexis M. Ciambrone, 312-603-7414**

**Prove-ups, Wednesdays, 9:30 a.m. and 2:00 p.m.**

**STANDING ORDER  
Effective November 5, 2012**

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**I. Purpose**

The purpose of this Standing Order is to establish general rules and procedures to aid attorney and litigants participating in litigation pending on this calendar. The Court will consider exceptions to these procedures where warranted by special circumstances.

**II. Structure and Schedule**

**This is Calendar 45**, a Trial Calendar. Calendar 45 is part of Team D, which consists of Preliminary Calendar D, Trial Calendars 41, 42 and 44, and Post-Decree Calendar 43. Once a

Judgment for Dissolution of Marriage is entered in Calendar 45 on a particular case, all further proceedings in that case are heard in the Post-Decree Calendar.<sup>1</sup>

- **Prove-Ups – every Wednesday** at 9:30 a.m. and 2:00 p.m.
- **Trials and Hearings** – Monday through Friday.
- **Agreed Orders** – Any day if signed by both parties/counsel.<sup>2</sup>

### **III. General Information**

Inconsistency with Standing Order:

In the event of any inconsistency between this Standing Order and any Order entered in a particular case, the Order entered in the case controls to the extent of the inconsistency.

Circuit Court Rules:

All persons litigating in the Domestic Relations Division should be familiar with Part 13 of the Rules of the Circuit Court of Cook County.

Cell Phones:

You must silence all cell phones before entering the courtroom.

### **IV. Draft Orders**

In general, draft Orders should:

- State the reason why the matter is before the Court
- Indicate whether the order is being entered by agreement of the parties
- List who is present
- Include a brief “findings” section
- Clearly set forth with specificity all of the Court’s orders in the decretal portion of the Order
- **List the name of the individual who drafted the order, not simply the individual’s firm or agency**

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<sup>1</sup> Under limited circumstances a case may be transferred back to Calendar 45, but must first be heard in the Post-Decree Calendar.

<sup>2</sup> Unless approved by the Court, no Agreed Order shall be entered modifying or continuing a trial date. See Paragraph VII below.

## V. Prove-Ups

1. Please check in with the clerk as soon as you enter the courtroom, **and again** after you've completed additional documents you are directed to complete. You must also give your completed documents to the clerk. Failure to check in with the clerk after completing additional documents, will result in failure of the clerk to call your case, as she will not know that you are ready.

2. Please do not talk to – or even approach – the Court reporter *when the Court is in session*. You can hand the Court reporter your information sheet as you step up when your case is called, or during Court recesses.

3. Please be sure that, where applicable, Military Affidavits are **completely** filled out. This includes filling in the facts supporting the assertion that the Respondent “is not” in the military, if you circle that choice.

4. Please be sure that you submit the correct number of applicable documents to the clerk. The clerk cannot leave the courtroom to make copies for you. Following is a list of documents, *where applicable*, and the number of copies you must submit:

Judge's Information Sheet – 1 copy (*Calendar 45 form* required in all cases)  
Judgment for Dissolution of Marriage – 3 copies (*required in all cases*)  
Court Reporter's Sheet – 1 copy (*required in all cases, when a Court reporter is present*)  
Twenty Eight Day Order – 2 copies (*Calendar 45 form* required in all cases)  
Certificate and Agreement – 1 copy  
Respondent's Appearance – 1 copy  
Two Year Waiver – 1 copy  
Certificate and Motion for Default – 1 copy  
Military Affidavit – 1 copy  
Proof of Service – 1 copy  
Joint Parenting Agreement with Visitation Schedule – 3 copies  
Uniform Order of Support – 4 copies  
Notice to Withhold Income for Support – 2 copies  
Focus on Children Order – 3 copies or Focus Certificate – 1 copy each party  
298 Petition and Order on 298 Petition – 1 copy each  
Order for Free Transcript – 3 copies

5. **Default prove-ups, subsequent to personal service**, may be set after a Motion for Default is noticed up, and default is entered by the Court. This Court may order that the Petitioner send the Respondent a proposed Judgment for Dissolution of Marriage by certified mail in certain circumstances prior to the prove-up hearing. Please note that 13.7 (a) *mandates* a transcript be provided, therefore you must have a court reporter at the default prove-up. **Counsel should elicit testimony and provide proof of service, notice of the proceedings to the other party and present an evidentiary basis for any relief requested. Petitioner must present his or her completed 13.3.1. Financial Disclosure Statement at the default hearing. The Court may order that the prove-up hearing on a default case may be specially set with Petitioner responsible for obtaining private court-reporter, depending on the amount of assets**

**involved, the amount of support requested, or whether a disproportionate amount of the assets is requested by the Petitioner.**

6. Publication cases and prove-ups: A review of the relevant sections of the Code of Civil Procedure appears to allow counsel to publish in a case without leave of Court to do so. However this Court subscribes to the holding in Bell Federal S. & L. v. Horton, 59 Ill. App. 3d 923, 376 N.E. 2d 1029, 17 Ill. Dec. 700 (5<sup>th</sup> Dist., 1978) that “...every defendant in an action filed against him in the State of Illinois is entitled to receive the best possible notice of the pending suit and it is only where personal service of summons cannot be had, that substituted or constructive service may be permitted.” Counsel must meet the “due diligence” requirements of the Rules before the case will go forward on publication so please present testimony and evidence of the Petitioner’s efforts to locate and serve the Respondent.

Please note that publication cases are also default proceedings and require a transcript of the prove-up.

## **VI. Motions**

1. This Court maintains its own Calendar. All courtroom dates are set by order of Court. The initial date for all new motions must be scheduled on Wednesday at 10:00 a.m. or 2:30 p.m. All emergency motions shall be first presented at 2:30 p.m. on any day Monday through Friday.

2. Notice of Motions must be given pursuant to Circuit Court Rule 2.1. See Also Supreme Court Rule 11, and Supreme Court Rule 12.

3. ***File-stamped*** courtesy copies must be delivered to the Court at least 3 Court days before the hearing date by the Movant. Courtesy copies must include the motion, response, reply, pertinent pleadings, exhibits, relevant orders and other necessary materials.

## **VII. Trials**

When your case is assigned to Calendar 45, come directly to Courtroom 407 and check in with the clerk. Give her the names of the parties and the attorneys. You must also provide the following:

- Assignment Order to Calendar 45 for trial
- Trial Order
- Copies of pending **file-stamped** pleadings, motions and other relevant documents
- List of potential witnesses
- List of exhibits
- A complete set of **pre-marked** exhibits the parties may introduce
- Any stipulations between the parties
- Copies of relevant Orders

Trial dates are firm. Motions to continue a trial date are discouraged. If made, however, they should be accompanied by affidavits or other documentation demonstrating good cause. Failure to comply with the Trial Order may result in the case being dismissed for want of prosecution or the Respondent being held in default.

#### **VIII. Court Reporters**

1. Only the judge may direct the court reporter to go off the record, or on the record. All instructions to the court reporter must come from the judge, not from attorneys or witnesses.

2. In general, Official Court Reporters are present only on Wednesdays during prove-ups. Official Court Reporters are not provided for Trials, Hearings or Motions. If a party wishes to have a court reporter present for any proceeding, that party must provide his or her own court reporter.

#### **IX. Private Court Interpreters**

Official Court Interpreters are not always available. If you employ a private court interpreter, please be sure that s/he actually knows how to translate for Court proceedings, or explain to them the following:

- To the extent possible, translations must be ***verbatim***. If – instead of a verbatim translation – the interpreter begins each translation with “he said...” or “she said...” or “the judge said...,” the transcript will be extremely confusing. In addition, the court reporter will have to identify the testimony as that of the interpreter, rather than the witness, and then revert back to identifying the witness. This becomes very cumbersome for the court reporter.
- The interpreter may not have any private conversation with the witness in the foreign language during the Court proceeding. The interpreter may only translate for the witness. For example, if a witness says to the interpreter in the foreign language, “I don’t understand that question” or “what should I say,” the interpreter may not explain the question to the witness in the foreign language, or answer the question for the witness in the foreign language. The only thing the interpreter may do at that point is translate the witness’s question or statement into English. ***The interpreter must interpret everything that is said by everybody, exactly as it is said, and may not have any discussions in the foreign language with the witnesses.***

ENTER:

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Judge Thomas J. Kelley  
Circuit Court Judge

DATED: \_\_\_\_\_