

16th Judicial Circuit County of Kane

Kane County Judicial Center
Suite 400 –B
37W777 Route 38
St. Charles, Illinois 60175-7536
Telephone (630) 232-5820



Rene´ Cruz, Judge
In Chambers

March 19, 2020

Re: Temporary Proveup Procedures (CR001, CR111, CR113, CR201, CR211)

Family Division Attorneys,

The Judges of the Kane County Family Division continue to search for ways to benefit your clients during the reduced access to the Court system over the coming weeks. With that in mind, and in response to inquiry from members of the Bar, the Family Division Judges would like to extend the following temporary accommodations to counsel and litigants for matters that are prepared for entry of Final Judgment. Family Division Judges will be available to review and consider entering Judgements for Dissolution of Marriage absent counsel, litigants and transcripts under the following parameters:

1. Parties should email their fully executed proposed settlement documents to include the Judgment, Marital Settlement Agreement, Allocation Judgment and Parenting Plan (if applicable) and copy of the Certificate of Dissolution (half/sheet) to the Court at FamilyDivision@16thCircuit.IllinoisCourts.gov for the respective Judge's review and discretionary entry. You may email the assigned Judge directly if BOTH parties are represented by counsel, but please do not Copy your clients on emails to the Court.
2. The Allocation Judgment/Parenting Plan may enter as a matter of course following review as presumed to be in the best interest of the minor children if signed by both parties. Please make sure all mandatory clauses are included within the Plan (e.g. mediation provision);
3. With respect to the Marital Settlement Agreement, setting of child support and maintenance should reference calculation pursuant to statute (i.e. income and duration, income sharing) and/or specify the basis for deviation and/or waiver or reservation of the same. Disproportionate distribution of marital property (assets and liabilities), if any, should also be explained if applicable;
4. It is suggested that the parties sign an additional notarized statement indicating:
 - a. Their agreement that the court has both personal and subject matter jurisdiction;
 - b. Their stipulation as to grounds;
 - c. Their review of the Agreement in its entirety;
 - d. Their understanding of the terms of the Agreement and intent to be bound by them;
 - e. Their entry into the Agreement freely and voluntarily;
 - f. Their belief that the Agreement is a fair and equitable division of the marital estate;
 - g. Their waiver of appearance at a proveup;
 - h. Their waiver of a transcript from a proveup;
 - i. If either side is a self-represented litigant, it should indicate their acknowledging that they are not represented by opposing counsel and that they have had/waived the opportunity to confer with outside counsel prior to signing the Agreement;
 - j. Their desire that the Court approve their Agreement(s), incorporate it/them into the Judgment and enter the Final Judgment of Dissolution.
5. Although entry of said Final Judgment shall be at the Court's discretion, it is suggested that a 735 ILCS 5/1-109 Verification be added to the proposed documents.

As a further reminder, the Circuit Court Clerk's Office is already scheduling new court dates for all non-emergency matters scheduled through April 17, 2020. Any counsel wishing to select Agreed Dates (preferably into May 2020) on these matters may also continue to submit Agreed Orders to the above email address for entry subject to the Court's discretion to modify.

Please keep in mind, as indicated in prior communications, that the Family Division Judges will be engaging in one to two day rotations in CR101 each week pursuant to the mandated limitation of courtroom matters for Emergencies only. Additionally, the Family Division Judges remain interested in conducting remote telephone and video conferences ON ALL CASES, regardless of the respective stage of the proceedings.

It is our hope that the above protocols will allow counsel to move cases towards resolution while allowing your clients to focus on the health, safety and well-being of their families.

Please refer any questions to the above email address.