

# NOTICE

## Amended Local Court Rule effective for all cases filed after May 1, 2001 15.01.3

### A. MANDATORY GOOD-FAITH DISCLOSURE:

1. Within 60 days of the filing of the defendant's general appearance or a responsive pleading in any proceeding for dissolution of marriage or legal separation, each party shall serve upon all parties entitled to notice the completed COMPREHENSIVE FINANCIAL STATEMENT in the form established by these rules. Each party shall file with the clerk of the circuit court within seven (7) days thereafter a certificate of compliance and service, certifying the COMPREHENSIVE FINANCIAL STATEMENT has been completed, and setting forth the date on which the completed COMPREHENSIVE FINANCIAL STATEMENT was served upon the opposing party. The COMPREHENSIVE FINANCIAL STATEMENT shall not be filed with the clerk of the circuit court.

2. In (a) post-judgment domestic relations cases and in (b) post-judgment parentage cases where both parties are represented by private counsel, when any party is seeking to establish or modify the issues of support, maintenance, or contribution to college expenses, whether temporary or permanent, the pleading and answer shall incorporate an affidavit containing the information specified in items I through VI of the COMPREHENSIVE FINANCIAL STATEMENT established by these rules. The information required by the COMPREHENSIVE FINANCIAL STATEMENT shall not be filed with the clerk, but shall be provided to counsel simultaneously with the pleading.

3. If a party is unable to complete any portion of the COMPREHENSIVE FINANCIAL 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 COMPREHENSIVE FINANCIAL STATEMENT pursuant to 735 ILCS 5/1-109.

4. If any request for temporary relief is made prior to the expiration of 60 days from filing of Respondent's appearance or responsive pleading, a preliminary COMPREHENSIVE FINANCIAL STATEMENT, without corroborating documents, shall be attached to the request for relief, and the responding party shall provide a preliminary COMPREHENSIVE FINANCIAL STATEMENT to the moving party and the court not less than 2 court days prior to hearing. Income, expenses, assets, and liabilities as requested in sections I, II, III, and V of the COMPREHENSIVE FINANCIAL STATEMENT shall be provided, with sufficient particularity to permit a meaningful hearing on the temporary relief sought.

### B. CORROBORATING DOCUMENTS: Within the same time provided for service of the COMPREHENSIVE FINANCIAL STATEMENT, every party shall produce all corroborating documents in support of the

allegations of the Pleadings and the COMPREHENSIVE FINANCIAL 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. Examples of such corroborating documents are bank statements and cancelled checks; account statements for bank, money market, mutual fund, brokerage, IRA, 401 (k), certificate or other types of accounts; credit card statements; and loan documents.

The income - corroborating documents shall include (but not be limited to) copies of the prior three years federal and state tax returns (including all schedules and supporting documents) or tax returns filed since the last order regarding support, whichever is less. If the tax returns are not yet filed, then Copies of all the most recent W-2's, 1099's and other proof of income, including the most recent pay-stub and the prior year's, year-end pay-stub.

All corroborating documents shall be labeled and indexed to correspond to the paragraph of the COMPREHENSIVE FINANCIAL STATEMENT to which the document relates. No formal discovery requests for this information shall be a pre-requisite to enforcement for non-compliance with this Rule. Said documents shall not be filed with the Clerk of the Circuit Court, but shall be served upon each person entitled to notice under the Supreme Court Rules, with proof of service filed with the Clerk.

- C. DUTY TO UPDATE: It is the duty of each party and each party's attorney to seasonably update and amend the COMPREHENSIVE FINANCIAL STATEMENT or required affidavit, and corroborating documents, with 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 Supreme Court Rules, with proof of service filed with the Clerk of the Circuit Court.
- D. SANCTIONS FOR NON-COMPLIANCE: Upon motion by any party, the court may impose such sanctions for violation of these DISCOVERY RULES IN FAMILY LAW CASES as are provided in Illinois Supreme Court Rule 219. Failure to maintain corroborating documents after filing or receipt of a pleading covered by these rules shall be prima-facie evidence of non-compliance. 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.
- E. ADDITIONAL DISCOVERY. A party may 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.
- F. OPTING OUT: The parties may opt out of the requirements of this Rule 15.01.03 by written agreement filed with the Clerk of the Circuit Court.