

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
DOMESTIC RELATIONS DIVISION**

GENERAL ADMINISTRATIVE ORDER: 2023 D 1

SUBJECT: Prove Up Via Affidavit Team D Pilot Program

The Domestic Relations Division of the Circuit Court of Cook County is hereby expanding the Prove Up Via Affidavit pilot program, articulated in Administrative Order 2022 D 6, to permit for the prove up process to occur via written submission in specific circumstances on Team D Trial Calendars. This expansion shall be limited, initially, to cases on Team Trial Calendars on Team D (Calendars, 41, 42, 43, 44, 45) wherein both the Petitioner and the Respondent are represented by counsel at the time a Judgment of Dissolution of Marriage is entered. After a period of time, the Presiding Judge of the Domestic Relations Division shall further review the pilot program and consider its expansion, modification, or termination, based on input from all relevant stakeholders. In light of the foregoing, the procedures set forth herein for Prove Up Via Affidavit shall be in effect until further Order of Court.

EFFECTIVE IMMEDIATELY, IT IS HEREBY ORDERED THAT:

1. Where any Prove Up Via Affidavit is sought on Team D, attorney-represented parties in a properly pending Domestic Relations matter relative to the dissolution of marriage are required to transmit via e-mail to the Court, through their counsel, the following documents to facilitate a Prove Up Via Affidavit:
 - a. a file-stamped copy of the Petition for Dissolution of Marriage upon which the matter is being resolved;
 - b. a file-stamped copy of the Respondent's Appearance;
 - c. a file-stamped copy of an Affidavit in Support of Prove Up for both the Petitioner and the Respondent;
 - d. a proposed Judgment of Dissolution of Marriage;
 - e. a fully executed copy of the parties' Marital Settlement Agreement;
 - f. a fully executed copy or file-stamped copy of the parties' Allocation Judgment and Parenting Plan (where either is applicable);
 - g. a fully executed Certification and Agreement of Counsel;
 - h. a copy of the Certificate of Dissolution (half-sheet);
 - i. a Uniform Order of Support (where applicable); and
 - j. an Agreed Order Setting Status on Prove Up.

The Court retains jurisdiction to require the submission of other information or documents, in its discretion.

2. The Agreed Order Setting Status on Prove Up shall contain the actual or electronic signatures of counsel for the Petitioner and Respondent. The Order shall provide, in substance, that unless the matter is otherwise resolved by entry of Judgment of Dissolution of Marriage within seven (7) days, the case is set for status before the trial judge assigned to the matter on prove up on a future date certain to be assigned by the court. The calendar assignment, date, and


Zoom information shall be left blank to be completed by court staff. A sample Agreed Order Setting Status on Prove Up is attached hereto as Appendix A. A sample Affidavit in Support of Prove Up is attached hereto as Appendix B.

3. The aforementioned documents shall be sent to drd.caldproveups@cookecountyil.gov and the subject line shall state: "REQUEST FOR PROVE UP VIA AFFIDAVIT." The e-mail shall include all counsel of record as recipients. The e-mail requesting Prove Up Via Affidavit must have attached in PDF form all of the relevant documents specified in Paragraph 1 and each such PDF document shall be titled in a manner as set forth above (i.e., "Proposed Judgment of Dissolution of Marriage," etc.).
4. Immediately upon the Court's receipt of a properly submitted e-mail requesting Prove Up Via Affidavit and all required documents, court staff shall confirm receipt of the e-mail submission from counsel. As soon as practicable, court staff shall notify all counsel which trial judge (Calendars 41, 42, 45, 44, 45) was randomly assigned to preside over the prove up via affidavit. Court staff shall also provide a calendar assignment, date, and Zoom information for inclusion in the Agreed Order Setting Status on Prove Up and shall transmit that Agreed Order to counsel for the parties.
5. Following review by the Court, an Allocation Judgment and Parenting Plan may be entered prior or contemporaneous to Prove Up via Affidavit as an Agreed Order. Any such Allocation Judgment and Parenting Plan so reviewed and entered by the Court shall be presumed to be in the best interests of any minor child(ren) where it is signed by both parties and all terms/clauses/provisions required by law are included in the Allocation Judgment and Parenting Plan.
6. Marital Settlement Agreements shall contain all material terms/clauses/provisions required by law relative to the setting of child support and maintenance. All Marital Settlement Agreements submitted for Prove Up Via Affidavit shall reference the applicable statutory citation and set forth explicitly terms relative to, *inter alia*: (a) the parties' respective incomes; (b) the duration of any maintenance and/or child support terms (if applicable); (c) the duration and amount of guideline child support and/or maintenance under the Illinois Marriage and Dissolution of Marriage Act (if applicable); (d) the basis for any deviation in maintenance or child support (if applicable); (e) the basis for any waiver of rights relative to maintenance or child support (if applicable); (f) the basis for any reservation of maintenance or child support (if applicable); and (g) the basis for any disproportionate allocations of marital property (i.e., assets and/or liabilities).
7. Both the Petitioner and Respondent shall sign and submit a properly certified and file-stamped Affidavit containing the following:
 - a. A statement of agreement that the Court has both personal and subject matter jurisdiction;
 - b. A statement of stipulation as to the grounds for the dissolution of marriage;

- c. A statement setting forth the number of children born or adopted to the parties, the fact of any emancipation of any children, and any party's present conditions relative to pregnancy;
 - d. A statement that the attesting party has fully reviewed the Marital Settlement Agreement [and Allocation Judgment and Parenting Plan, where applicable];
 - e. A statement that the party believes that the Marital Settlement Agreement is a fair, conscionable and equitable division of the marital estate and resolution of the parties' marital claims;
 - f. A statement that sets forth an explicit acknowledgment that the party is represented by an attorney and that the party has had the opportunity to confer with an attorney prior to executing the Marital Settlement Agreement;
 - g. A statement attesting to the understanding of a party relative to the terms of the Marital Settlement Agreement and further setting forth an intent to be bound by the terms of the Marital Settlement Agreement;
 - h. A statement that sets forth a party's intent that the Court approve the Marital Settlement Agreement, incorporate the Marital Settlement Agreement [and any Allocation Judgment and Parenting Plan, where applicable] into a Judgment of Dissolution of Marriage, and enter the final Judgment of Dissolution of Marriage;
 - i. A statement indicating that the party was under no coercion or duress relative to the execution of the Marital Settlement Agreement;
 - j. A statement that the party freely and voluntarily entered into the Marital Settlement Agreement;
 - k. A statement from both parties waiving their remote or physical appearance at Prove Up;
 - l. A statement waiving a transcript of Prove Up;
 - m. A statement waiving the right to conduct further written and oral discovery;
 - n. A statement that the attesting party waives cross-examination of the other party;
 - o. Where applicable, a statement setting forth any intent to resume the use of any maiden or other name by a party; and
 - p. Where applicable, a statement demonstrating proof of completion of a parenting class as required by law.
8. Entry of any Judgment of Dissolution of Marriage pursuant to the process of Prove Up Via Affidavit set forth in this General Administrative Order shall be at the discretion of the Court. The Court retains the jurisdiction to require any Prove Up to proceed via remote or in-person means, in its discretion.
9. Where the Court elects to permit Prove Up Via Affidavit, it shall timely notify counsel for the parties of the entry of a Judgment of Dissolution of Marriage. The Judgment of Dissolution of Marriage shall be entered no more than one week after the submission of all necessary documents.
10. After the entry of any Judgment for Dissolution of Marriage pursuant to the Prove Up Via Affidavit process, the case will be randomly reassigned to any trial judge on Team D for post decree matters, pursuant to General Order 2017 D 1.

Dated the 14th day of August, 2023. This Order shall be spread upon the records of this Court and published.

ENTERED:

 #2059

HON. REGINA SCANNICCHIO

Acting Presiding Judge

Domestic Relations Division

Judge Regina A. Scannicchio

AUG 14 2023

Circuit Court-2059

THIS SPACE LEFT INTENTIONALLY BLANK

Appendix A: SAMPLE AGREED ORDER FOR STATUS ON PROVE UP

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE THE MARRIAGE OF:)	
NAME OF PETITIONER,)	
)	
Petitioner,)	
v.)	No. 20XX D XXXXXX
)	
NAME OF RESPONDENT,)	
)	
Respondent.)	

AGREED ORDER SETTING STATUS ON PROVE UP

This cause properly before the Court by agreement of the parties, counsel for the parties having submitted this Agreed Order for entry via electronic means, and the Court being fully advised in the premises, IT IS ORDERED:

Unless this matter is otherwise resolved by entry of a Judgment of Dissolution of Marriage within seven (7) days, the case is set for status on prove up before Calendar _____ on _____, 20__ at _____ a.m./p.m., via Zoom.

Meeting ID: _____
Passcode: _____

Entered:

JUDGE

Counsel for Petitioner

Counsel for Respondent

[Must contain signatures from counsel and email addresses of all parties of record]

Appendix B: SAMPLE PROVE UP AFFIDAVIT

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE THE MARRIAGE OF:)	
NAME OF PETITIONER,)	
)	
Petitioner,)	
v.)	No. 20XX D XXXXXX
)	
NAME OF RESPONDENT,)	
)	
Respondent.)	

PETITIONER'S AFFIDAVIT IN SUPPORT OF PROVE-UP
AS REQUIRED BY ADMINISTRATIVE ORDER XX-XX

Petitioner, NAME OF PETITIONER, being first duly sworn on oath, hereby depose and state as follows:

1. I have personal knowledge of the facts stated herein.
2. I agree that the Court has personal jurisdiction over the parties and subject matter jurisdiction over these proceedings.
3. [INSERT NAME OF RESPONDENT] and I were married in [INSERT CITY AND STATE WHERE MARRIED] on or about [INSERT DATE OF MARRIAGE]. Irreconcilable differences and difficulties have arisen between [INSERT NAME OF RESPONDENT] and I, which caused an irretrievable breakdown of our marriage. Past attempts at reconciliation have failed. Future attempts at reconciliation would not be practical, nor in the best interests of our family. We have lived separate and apart within the meaning of the Illinois Marriage and Dissolution of Marriage Act for a period of more than six (6) months.
4. [INSERT NUMBER OF CHILDREN, where applicable] child(ren) was/were born to us or adopted during the course of our marriage. [Where there is/are emancipated child(ren) state - Our child is over the age of 18 and is an emancipated adult]. No other children were born or adopted by Respondent and me. [Where an Allocation Judgment has previously been entered, state the date upon which the same occurred].
5. To the best of my personal knowledge, NAME OF BIRTHING PARTY is not currently pregnant.
6. I have reviewed the MARITAL SETTLEMENT AGREEMENT [and ALLOCATION JUDGMENT, where applicable] in its entirety.

7. I understand the terms and conditions of the MARITAL SETTLEMENT AGREEMENT [and ALLOCATION JUDGMENT, where applicable] and I intend to be bound by the terms contained therein.

8. I have had the opportunity to consult with the attorney of my choice regarding the MARITAL SETTLEMENT AGREEMENT [and ALLOCATION JUDGMENT, where applicable].

9. No one forced or coerced me into signing the MARITAL SETTLEMENT AGREEMENT [and ALLOCATION JUDGMENT, where applicable].

10. I have entered into the MARITAL SETTLEMENT AGREEMENT [and ALLOCATION JUDGMENT, where applicable] freely and voluntarily.

11. I am not under the influence of any drugs or alcohol, or mental condition that would impair my ability to understand the terms of this Affidavit, the MARITAL SETTLEMENT AGREEMENT [and ALLOCATION JUDGMENT, where applicable], and to execute these documents.

12. I believe that this MARITAL SETTLEMENT AGREEMENT is a fair and equitable division of the marital estate and a fair, conscionable and equitable resolution of any and all marital claims existing between RESPONDENT and myself.

13. I have made a full and fair disclosure of all known income, assets and liabilities of myself and the marriage and I believe that RESPONDENT has likewise made a full and fair disclosure of same.

14. I hereby waive my physical appearance, either in person or via electronic means, at a prove up of this matter.

15. I hereby waive a transcript from a prove up of this matter.

16. I hereby waive my right to conduct discovery in this matter.

17. I hereby waive my right to cross-examine the other party to this proceeding.

18. I understand that this matter will proceed to Judgment without a full hearing and that no transcript shall be made of this prove-up proceeding.

19. I desire that the Court approve the Marital Settlement Agreement and that it be incorporated into and made part of the Judgment and enter the Final Judgment of Dissolution of Marriage [and ALLOCATION JUDGMENT, where applicable].

PETITIONER'S NAME Date

CERTIFICATION

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, and as to such matters, the undersigned certifies that the same are believed to be true.

PETITIONER'S NAME