

How Do I Get A New Judge?

Your case may move to a new judge for reasons beyond your control, such as:

- In the general course of court administration, or
- If your judge recuses herself (removes herself from your case).

Alternatively, you may ask for your case to be moved to a new judge by filing either of the following motions at the earliest practical moment:

- A Motion for Substitution of Judge as of Right:
 - Each party is entitled to one substitution as a matter of right
 - However, you may not use your one substitution as of right if your motion is filed
 - (1) to delay or avoid trial, or
 - (2) if your judge has already made a substantial ruling in your case
- A Motion for Substitution of Judge for Cause:
 - You must show that your judge has demonstrated actual prejudice against you
 - This is a very high legal burden to meet, and often requires supporting evidence
 - Note that when you file your motion, your judge may transfer the case to an uninvolved judge for hearing
 - If the uninvolved judge determines that there is not cause to substitute, your case will be sent back to your judge
 - If the uninvolved judge determines that there is cause to substitute, your case will be randomly reassigned to another Domestic Relations judge

For more information on Motions for Substitution, see 735 ILCS 5/2-1001.

If your judge recuses herself, you substitute your judge, or your case is reassigned in the general course of court administration, your case will be randomly reassigned to another Domestic Relations Judge. Please see Circuit Court of Cook County Rules 13.2 and 13.3 for more information on the Domestic Relations Division's assignment mechanism.

DISCLAIMER: This guide serves as a court-process navigation tool. It does not contain legal advice. Litigants are encouraged to consult an attorney if possible and the Illinois Marriage and Dissolution of Marriage Act (IMDMA) at 750 ILCS 5/ *et seq.* for more information. Note that the IMDMA and all accompanying statutes have been interpreted and explained by the Illinois Appellate Court and the Supreme Court of Illinois; and their decisions are equally as binding on the trial court as the statute itself. To research and review those cases via a legal research database commonly used by judges and attorneys, please visit any of the Circuit Court of Cook County's Law Libraries (e.g. 29th floor of the Daley Center).