

STANDING ORDER
Calendar 01 - - - Probate Division
Effective October 13, 2022

Judge Daniel R. Degnan
Email: daniel.degnan@cookcountyil.gov
Probate Division - Calendar 1
50 W. Washington St. - Room 1814
Daley Center
Chicago, IL 60602

Zoom Instructions
Zoom ID: 943-1309-9144
Zoom Password: 598-671

This Standing Order supersedes all prior standing orders of Calendar 1 and will remain in effect until further notice.

All matters will be heard via Zoom at 1:00 p.m., unless otherwise directed by Judge Degnan for a specific matter.

Parties are directed to review G.A.O 2020P08 (amended September 19, 2022) for further information regarding all Probate Division matters that are not covered by this Standing Order.

Courtesy Copies

Except for emergency hearings or as otherwise directed by the Court, courtesy copies must be received no later than 1:00 p.m. two court days prior to the date set for presentation. For emergency hearings, see the section labeled “Emergency Motions” below. Late submissions may cause delay in hearing the matter.

Courtesy copies exceeding 25 pages must be delivered via hard copy to Richard J. Daley Center, Suite 1808, 50 W. Washington, IL 60602. All other courtesy copies may be emailed directly to Daniel.degnan@cookcountyil.gov. The subject line shall include the following: case name, case number, and date scheduled for presentment.

All courtesy copies, including petitions, exhibits, notice, proposed orders and bonds, shall be emailed as separate attachments in a single email. Each order, bond or any other document requiring the Court’s signature, shall be submitted in PDF format. Do not submit all documents in a single attachment. All proposed orders shall contain a valid email address of a person who can receive and distribute the stamped order.

Email is only to be used for the convenience of submitting courtesy copies. Do not include explanations, background information or legal argument within the body of the email.

Courtesy copies for the following pleadings shall include or be accompanied by the specified information or materials:

1. Petitions for Guardianship:

- a. Exhibit A to the Petition consistent with 755 ILCS 5/11-8(a);
- b. Notice of Motion and proof of notice to all parties on Exhibit A (in lieu of Notice of Motion, a signed and notarized waiver and consent from all persons entitled to notice) consistent with 755 ILCS 5/11-10.1;
- c. A notarized surety bond, signed by the nominated guardian and by the surety representative, in the amount equal to 150% of the value of the minor's personal estate;
- d. An affidavit of the nominee for guardian demonstrating their suitability to serve as guardian pursuant to 755 ILCS 5/11-3(a); and
- e. If the nominee(s) for guardian of the estate is not a natural or adoptive parent then both criminal and DCFS (LEADS & CANTS) background checks are required. The forms and instruction for both are available at the Court's web page;
- f. If the petitioner is seeking guardianship of the person, the matter will be transferred to Calendar 9 unless guardianship of the estate is petitioned for as well. Where guardianship of the person is sought, the following is required:
 - i. Minor's birth certificate;
 - ii. Any and all death certificates for parents listed on birth certificate;
 - iii. Exhibit A to the Petition consistent with 755 ILCS 5/11-8(a); and
 - iv. Completed background checks (LEADS & CANTS) for petitioner and any adults living in the petitioner's home. The forms and instruction for both are available at the Court's web page;

2. Petitions to Approve Settlement:

- a. If a settlement has been approved in another division of the Circuit Court of Cook County or another court, a copy of the Court's order approving the settlement (include order from decedent's estate if applicable) fees and costs.
- b. If the proposed settlement has not been approved by another division of the Circuit Court of Cook County or another court, include the following:
 - i. Statement describing the injury and resulting damages;
 - ii. Statement by counsel that the proposed settlement is fair and reasonable and why;
 - iii. If the minor was hospitalized, petitioner shall provide for the Court's *in camera* review a copy of discharge records, and records of physical therapy, if any (**medical records should not be filed with the Clerk's office**);
 - iv. If the minor is receiving medical treatment at the time the Petition to Approve Settlement is filed, a letter from the treating physician stating the nature of the treatment and the minor's prognosis; and
 - v. A statement from the insurance carrier stating if the settlement is for insurance policy limits or if the settlement is pursuant to an uninsured motorist policy provision. As part of counsel's statement that the settlement is fair and reasonable, counsel should include a statement that an asset search has been completed.

- 3. Accountings:**
 - a. Previous year accounting;
 - b. Inventory if presenting First Current Account; and
 - c. Current bond.
- 4. Inventories/Budgets:**
 - a. If presenting the original Inventory include the current bond;
 - b. If presenting an Amended or Supplemental inventory include the previous Inventory and current bond; and
 - c. If presenting an Amended Budget include the previous budget.
- 5. Guardian of the Estate fee petitions:**
 - a. A fee schedule; and
 - b. A breakdown report showing month-end balance of assets under management and the applicable rate applied for that month. The report shall include the monthly fee as well as the total fee for guardian services.
- 6. Listing of Real Estate:**
 - a. Information on the current value of the estate;
 - b. Information on the current residence of the ward;
 - c. Information on the current condition of the real estate including whether it is occupied;
 - d. A comparative market analysis or appraisal;
 - e. A copy of the real estate broker agreement indicating that the fee shall not exceed 5%; and
 - f. Most recent approved inventory and/or accounting.
- 7. Sale of Real Estate:**
 - a. Information as to the original listing price and the amount of time on the market;
 - b. Additional Bond for proceeds of sale; and
 - c. Proposed order must contain a date for presentation of Report on Sale.
- 8. Presentation of Vouchers:**
 - a. Vouchers must demonstrate that the payee has received the court-approved disbursement and not merely that the funds have been disbursed;
 - b. Photocopies of the front and back of cancelled checks are adequate proof of payment, as are receipts from payees or signed communications from payees indicating payment has been received; and
 - c. A copy of the order approving settlement

Emergency Motions

All requests for an emergency hearing shall be sent directly to the court via email no later than 10:00 a.m. on the day preceding presentment. The request must include "Request for Emergency Hearing" in the subject line of the email and include the appropriate courtesy copies. The motion must include a factual basis stating the nature of the emergency. Do not include the factual basis and/or arguments within the body of the email.

Unless otherwise scheduled by the Court, emergency motions will be heard as add-ons on the 1:00 p.m. call. Upon request and the availability of the Court, emergency matters may be otherwise

scheduled. Upon receipt and review of the request for emergency hearing the Court will respond with a confirmation email scheduling the date and time for presentment of the motion.

Agreed or Uncontested Matters & Requests for Continuance

Within the discretion of the Court, agreed or uncontested matters and continuances may be disposed of in advance of the scheduled court date and the appearance of some or all of the parties may be excused. When these matters can be disposed of prior to their scheduled court date, the Court will notify movant/petitioner that no court appearance is necessary. Movant/Petitioner will notify all parties scheduled to appear that the order was approved and appearance on the scheduled date is excused.

October 13, 2022

Date

Daniel R. Degnan #2074

Judge Daniel R. Degnan