M.R. 3140

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered December 2, 2025.

(Deleted material is struck through, and new material is underscored.)

Effective March 1, 2026, Illinois Supreme Court Rules 45, 90, 99, 99.1, 241, 905, and 10-100 are amended, as follows. Additionally, new Illinois Supreme Court Rule 99.2 is adopted.

Amended Rule 45

Rule 45. Remote Appearances in Circuit Court Proceedings

(a) Definitions.

(1) The terms "remote" or "remotely" mean the participation of all or some case participants in a court proceeding by telephone, video conference, or other electronic means. Except as otherwise specifically provided in this rule, a remote appearance or court proceeding shall be equivalent to an in-person appearance or court proceeding for all purposes.

(2) The term "in-person" means the participation of all or some case participants in a court proceeding by being physically present in the courtroom.

(3) "Case Participant" means any individual participating in a court proceeding including, but not limited to, the parties, criminal defendants, minors, lawyers, guardians *ad litem*, guardians, youth in the care of the Department of Children and Family Services (DCFS), witnesses, experts, interpreters, treatment providers, probation officers, pretrial officers, DCFS caseworkers and contract service providers, court reporters, clerks of court, and the judge presiding over the case. This term does not include jurors, the public, or members of the media that are not a party or witness in the case.

(4) For purposes of this rule:

(i) "Civil Matters" shall mean the following case types as defined in the Manual on Recordkeeping, adopted by the Supreme Court under M.R. 1218, as most recently amended: Arbitration (AR), Chancery (CH), Eminent Domain (ED), Eviction (EV), Foreclosure (FC), Government Corporation (GC), Guardianship (GR), Law: Damages over $50,000 (LA), Law: Damages $50,000 or less (LM), Mental Health (MH), Miscellaneous Remedy (MR), Probate (PR), Small Claim (SC), Tax (TX), Adoption (AD), Dissolution with Children (DC), Dissolution without Children (DN), Family (FA), Contempt of Court (Civil) (CC), Civil Law Violation (CL), Miscellaneous Criminal (non-classified criminal actions) (MX), and Order of Protection (OP).

(ii) "Criminal Matters" shall mean the following case types as defined in the Manual on Recordkeeping, adopted by the Supreme Court under M.R. 1218, as most recently amended: Criminal Felony (CF), Criminal Misdemeanor (CM), Conservation (CV), Driving Under the Influence (DT), Domestic Violence (DV), Major Traffic (MT), Ordinance (OV), Quasi-Criminal (QC), Minor Traffic (TR), and Contempt of Court (Criminal) (CC).

(iii) "Juvenile Delinquency Matters" shall mean the Juvenile Delinquent (JD) case type as defined in the Manual on Recordkeeping, adopted by the Supreme Court under M.R. 1218, as most recently amended.

(iv) "Juvenile Abuse, Neglect, and Dependency Matters and Juvenile Intervention Matters" shall mean the Juvenile Abuse and Neglect (JA) and Juvenile (JV) case types as defined in the Manual on Recordkeeping, adopted by the Supreme Court under M.R. 1218, as most recently amended.

(b) General Provisions.

(1) A judge presiding over a case in which the option to appear remotely without any advance approval is permitted may, in the exercise of the judge's discretion, require a case participant to attend a court proceeding in person for reasons particular to the specific case, including the failure of a case participant to follow applicable standards of decorum. When exercising such discretion, the judge shall inform case participants on the record if they are required to attend a future court proceeding in person.

(2) When a circuit decides that in-person appearances are necessary for a particular case type or proceeding type, the Chief Judge shall by local rule exempt the case type or proceeding type from offering the option to appear remotely without any advance approval, in accordance with paragraph (b)(7). Case participants may then appear remotely in exempted case types or proceeding types only with the approval of the judge presiding over the matter.

(3) When a case participant testifies or otherwise participates in a trial or evidentiary hearing remotely, appropriate safeguards must be in place to ensure accurate identification of the case participant and to protect against inappropriate influences, including, but not limited to: persons communicating with the case participant without the court's knowledge and the case participant's inappropriate access to materials or information (such as documents or the Internet) during the case proceedings. The judge presiding over the matter shall confirm that such safeguards are available and operational prior to permitting the case participant to participate remotely.

(4) All summonses and notices for court proceedings that case participants are permitted to attend remotely shall include information necessary for a case participant to appear in person or remotely, including any information necessary for case participants to access the applicable technology platform to appear remotely.

(5) Where the option to appear remotely exists, courts shall not deny access to case participants who choose to participate by appearing in person or who cannot appear remotely without assistance and shall allow individuals who come to the courthouse to participate by appearing physically in the courtroom. If the courtroom, case type, or proceeding type cannot accommodate an in-person case participant, then courts shall inform case participants of this

limitation in advance, if possible, and supply the appropriate technology and technical support for anyone who comes to the courthouse so that they may participate remotely.

(6) Courts shall ensure that any fees associated with the remote appearance technology platform utilized by the court, if any, are not a barrier to accessing the courts.

(7) Within 90 days of the effective date of this rule, the chief judge of each circuit shall submit to the Supreme Court, through its Administrative Office, a local rule explaining in plain language the option of participating in court proceedings remotely. The rule shall at a minimum address:

(i) How to join a remote proceeding, either by phone, video conference, or other electronic means;

(ii) Where to find information and assistance for remote proceedings;

(iii) What case types or proceeding types, if any, are exempted under paragraph (b)(2);

(iv) How to make the request to appear remotely, where applicable;

(v) What standards of decorum will be expected by the circuit for case participants in remote proceedings; and

(vi) How the above information will be made available to the public, case participants, and other justice system partners. This should include, but not be limited to: the circuit's website, posting in public areas, and/or any other easily accessible means.

Any amendments to the local rule must be submitted to the Administrative Office prior to implementation.

(c) Civil Matters and Criminal Matters That Do Not Involve the Possibility of Jail or Prison Time.

(1) Case participants shall be permitted to attend court via the circuit court's available remote appearance technology without any advance approval, except for the following proceeding types, which shall require the approval of the judge presiding over the matter:

(i) Evidentiary hearings, including court-annexed arbitration hearings, except for *ex parte* evidentiary hearings (such as emergency orders of protection hearings);

(ii) Settlement conferences;

(iii) Bench trials;

(iv) Jury trials; and

(v) Any case type or proceeding type exempted from remote participation in accordance with paragraphs (b)(2) and (b)(7).

(d) Criminal Matters That Involve the Possibility of Jail or Prison Time and Juvenile Delinquency Matters.

(1) Case participants shall be permitted to attend court via the circuit court's available remote appearance technology without any advance approval for the following proceeding types:

(i) Initial appearances;

(ii) In Juvenile Delinquency Matters, initial or subsequent appearances at which

continued detention of a minor will be determined;

(iii) Status hearings;

(iv) Waiver of a preliminary hearing;

(v) Arraignments on an information or indictment at which a plea of not guilty will be entered;

(vi) Presentation of a jury waiver;

(vii) Non-evidentiary hearings; and

(viii) Hearings conducted under the Sexually Violent Persons Commitment Act (725 ILCS 207/1 *et seq.*) at which no witness testimony will be taken.

(2) Case participants shall be permitted to attend the following proceeding types via the circuit court's available remote appearance technology only with the approval of the judge presiding over the matter. In addition, before the defendant or minor may attend the following proceedings remotely, the court must have accepted the defendant's or minor's waiver of an in-person appearance in accordance with paragraph (d)(3):

(i) Negotiated pleas;

(ii) Evidentiary hearings;

(iii) Sentencing hearings;

(iv) Probation revocation hearings;

(v) Arraignments or other proceedings or appearances at which a plea of guilty will be entered;

(vi) Hearings conducted under the Sexually Dangerous Persons Act (725 ILCS 205/0.01 *et seq.*);

(vii) Bench trials or stipulated bench trials; and

(viii) Any case type or proceeding type exempted from remote participation in accordance with paragraphs (b)(2) and (b)(7).

(3) Waiver of defendant's or minor's in-person appearance at court proceedings.

(i) In proceedings where a waiver of a defendant's or a minor's in-person appearance is required for a remote appearance, the decision whether to waive an in-person appearance shall belong to the defendant or minor and not to defense counsel.

(ii) Whether the waiver of defendant's or minor's in-person appearance at court proceedings is made orally, in writing, in person, or remotely is exclusively within the discretion of the judge presiding over the matter. However, when made orally in person or remotely, the waiver must be stated on the record.

(iii) Before a waiver of the defendant's or minor's in-person appearance is accepted by the judge presiding over the matter, it shall be the judge's responsibility to ensure that the defendant's or minor's waiver is knowing and voluntary and has been discussed with counsel prior to the hearing. The judge presiding over the matter shall ensure that the record is clear that the defendant or minor understands:

(A) That the defendant or minor has a right to be physically present in the courtroom

for the proceeding;

(B) That remote appearance means the defendant or minor, the court, or other case participants will participate via telephone, video conference, or other electronic means;

(C) That in matters open to the public, any remote appearance may be viewable by the public over the Internet or other method of streaming or broadcasting (if applicable);

(D) That a remote proceeding may result in the defendant or minor and his or her counsel not being physically present together during the proceeding;

(E) That the legal effect of the remote proceeding will be the same as an in-person proceeding; and

(F) That the defendant or minor has discussed the waiver with counsel.

(iv) If the judge presiding over the matter finds the waiver to be knowing and voluntary, the prosecution shall be given an opportunity to object and state the grounds for that objection for the record. The decision to accept a waiver of in-person appearance at court proceedings is exclusively within the discretion of the judge presiding over the matter, and the judge shall put the reasons for that ruling on the record.

(v) A waiver of in-person appearance can be revoked at any time.

(4) In Criminal Matters that involve a possibility of jail or prison time, jury trials shall not be held remotely, except that witnesses, in case-specific situations, may be permitted to testify remotely with the approval of the judge presiding over the matter and by agreement of the parties.

(5) Nothing in this rule supersedes or abrogates any existing rule or statute designed to allow for the remote testimony of a particular witness in an otherwise in-person trial so long as the statutory and constitutional requirements for that witness's remote testimony are satisfied.

(6) Nothing in this rule modifies or alters crime victims' rights under article I, section 8.1, of the Illinois Constitution (Ill. Const. 1970, art. I, § 8.1). The Illinois Constitution grants to victims the right to be present in the same manner as the defendant. If the defendant appears remotely, then the victim shall be afforded the opportunity to appear either in person or remotely.

(7) Nothing in this rule modifies or alters any existing rules or statutes allowing remote appearances or requiring in-person appearances in Criminal Matters that involve the possibility of jail or prison time or Juvenile Delinquency Matters.

(e) Juvenile Abuse, Neglect, and Dependency Matters and Juvenile Intervention Matters.

(1) In Juvenile Abuse, Neglect, and Dependency Matters and Juvenile Intervention Matters, case participants shall be permitted to attend court via the circuit court's available remote appearance technology without any advance approval, except for the following proceeding types, which shall require the approval of the judge presiding over the matter:

(i) Evidentiary hearings;

(ii) Adjudication hearings;

(iii) Permanency hearings;

(iv) Disposition hearings;

(v) Termination of parental rights hearings; and

(vi) Any case type or proceeding type exempted from remote participation in accordance with paragraphs (b)(2) and (b)(7).

Adopted Nov. 30, 2022, eff. Jan. 1, 2023; amended Dec. 2, 2025, eff. Mar. 1, 2026.

Committee Comments
(Revised Mar. 1, 2026~~Revised Feb. 2, 2023~~)

In enacting Rule 45 in May 2020, the Supreme Court recognized that telephone and video conference appearances can be used effectively and appropriately for both civil and criminal cases. The Committee Comments at that time stated that the use of remote participation was subject to the discretion of the court and that the court had wide latitude to allow remote appearances without a showing of good cause or any particular level of hardship. The Committee Comments emphasized that remote appearances should be easy to request and liberally allowed. The original Rule adopted the definitions in the Supreme Court Policy on Remote Appearances in Civil Cases, in particular the definition of case participant.

In 2022, the Illinois Judicial Conference determined that the use of remote appearances in both civil and criminal cases should be further encouraged and promoted. At the same time, the Supreme Court desired that courts continue their use of telephone and video conferences which was so prevalent during the COVID-19 pandemic and assisted circuits in obtaining necessary technology. For these reasons, the Illinois Judicial Conference presented a proposal to amend Rule 45 which identified non-evidentiary case proceeding types which were suited to remote appearances and provided that case participants should be given the opportunity to appear remotely without any advance court approval in those proceeding types. However, the proposal as set forth in paragraphs (b)(1) and (b)(2) afforded discretion to individual judges on a case-by-case basis and circuits by local rule to determine when an in-person appearance is necessary.

In proposing new Rule 45, the Illinois Judicial Conference sought to build on the effective use and acceptance of remote appearances in both criminal and civil cases by the courts since the enactment of Rule 45. The proposal continued to adopt the definitions in the Supreme Court Policy on Remote Appearances in Civil cases and where appropriate the original Committee Comments.

a. Individual circuits are encouraged to submit their local rules in advance of the deadline outlined in paragraph (b)(7). The 90-day deadline specified in paragraph (b)(7) is to afford circuits time to implement new technology, but courts may still comply with the Rule by offering the option to appear by telephone. A model local rule is available on the Supreme Court website to assist circuits in submitting and publishing their individual local rules in accordance with Rule 45.

b. When exercising discretion under paragraph (b)(1), the judge presiding over the matter shall consider whether the in-person appearance is necessary, the nature and purpose of the proceeding,

the impact this decision will have on the case participant's ability to participate in the proceeding, and other issues of fairness and due process.

c. When exercising discretion under paragraph (b)(2), circuits shall consider whether there is a necessity for the exemption and the impact that the exemption may have on the ability of all case participants to participate in court proceedings and on the ability of lawyers to efficiently and cost effectively serve people, particularly those in need.

d. In accordance with the prior Committee Comments to the original Rule 45, any procedures and processes for seeking an approval for a remote appearance shall be easy, and an approval should be liberally granted without requiring a showing of good cause or any particular level of hardship, unless otherwise provided by Supreme Court Rule (for example, Rule 241, on the use of remote appearances in civil trials and evidentiary hearings).

e. In remote proceedings, as in in-person proceedings, courts must maintain order and ensure that the proceedings are conducted with dignity, decorum, and without distraction. The local rules should set forth the standards of decorum and expectations as to appropriate behavior with the use of telephone and video conferencing.

f. Courts should first consider obtaining and using free telephone or video conference services before considering fee-based services. Services that are free for case participants to use are readily available. Any fees associated with the use of a particular remote appearance platform should not impose a barrier on a case participant who is not able to pay that cost and should be subject to waiver for case participants who cannot afford them. If a court chooses to use a service that requires the payment of fees, the court should consider whether the costs can be waived by the service, paid by another party, or paid by the court, or if the court should also use a free service. The focus should be on increasing accessibility to the courts and not on imposing an additional barrier to a remote court appearance in the form of a fee. The court or circuit clerk shall not impose their own fees for case participants to appear remotely.

g. Courts should consider related processes that may need to be adjusted to accommodate remote appearances, including, but not limited to, how case participants submit and obtain orders after remote appearances and how to best assist the public in accessing remote technology.

h. In 2025, the Illinois Judicial Conference determined that the use of remote appearances in court-annexed arbitration and court-annexed mediation should be further encouraged and promoted. Circuit court proceedings include court-annexed arbitration and court-annexed mediation, and Rule 45 applies to those proceedings.

Amended Rule 90

Rule 90. Conduct of the Hearings

(a) Powers of Arbitrators. The arbitrators shall have the power to administer oaths and affirmations to witnesses, to determine the admissibility of evidence and to decide the law and the facts of the case. Rulings on objections to evidence or on other issues which arise during the hearing shall be made by the chairperson of the panel.

(b) Established Rules of Evidence Apply. Except as prescribed by this rule, the established

rules of evidence shall be followed in all hearings before arbitrators.

(c) Documents Presumptively Admissible. All documents referred to under this provision shall be accompanied by a summary cover sheet listing each item that is included detailing the money damages incurred by the categories as set forth in this rule and specifying whether each bill is paid or unpaid. If at least 30 days' written notice of the intention to offer the following documents in evidence is given to every other party, accompanied by a copy of the document, a party may offer in evidence, without foundation or other proof:

(1) bills (specified as paid or unpaid), records and reports of hospitals, doctors, dentists, registered nurses, licensed practical nurses and physical therapists, or other health-care providers;

(2) bills for drugs, medical appliances and prostheses (specified as paid or unpaid);

(3) property repair bills or estimates, when identified and itemized setting forth the charges for labor and material used or proposed for use in the repair of the property;

(4) a report of the rate of earnings and time lost from work or lost compensation prepared by an employer;

(5) the written statement of any expert witness, the deposition of a witness, the statement of a witness which the witness would be allowed to express if testifying in person or remotely, including by telephone or video conference, if the statement is made by affidavit or by certification as provided in section 1-109 of the Code of Civil Procedure;

(6) any other document not specifically covered by any of the foregoing provisions, and which is otherwise admissible under the rules of evidence.

The pages of any Rule 90(c) package submitted to the arbitrators should be numbered consecutively from the first page to the last page of the package in addition to any separate numbering of the pages of individual documents comprising such package. A template Notice of Intent Pursuant to Supreme Court Rule 90(c) is provided in the Article I Forms Appendix.

(d) Opinions of Expert Witnesses. A party who proposes to use a written opinion of any expert witness or the testimony of any expert witness at the hearing may do so provided a written notice of such intention is given to every other party not less than 30 days prior to the date of hearing, accompanied by a statement containing the identity of the expert witness, the expert's qualifications, the subject matter, the basis of the expert's conclusions, and the expert's opinion as well as any other information required by Rule 222(d)(6).

(e) Right to Subpoena Maker of the Document. Any other party may subpoena the author or maker of a document admissible under this rule, at that party's expense, and examine the author or maker as if under cross-examination. The provisions of the Code of Civil Procedure relative to subpoenas, section 2-1101, shall be applicable to arbitration hearings and it shall be the duty of a party requesting the subpoena to modify the form to show that the appearance is set before an arbitration panel and to give the time and place set for the hearing.

(f) Adverse Examination of Parties or Agents. The provisions of the Code of Civil Procedure relative to the adverse examination of parties or agents, section 2-1102, shall be applicable to arbitration hearings as upon the trial of a case.

(g) Compelling Appearance of Witness at Hearing. The provisions of Rule 237, herein, shall

be equally applicable to arbitration hearings as they are to trials. The presence of a party may be waived by stipulation or excused by court order for good cause shown not less than seven days prior to the hearing. Remedies upon a party's failure to comply with notice pursuant to Rule 237(b) may include an order debarring that party from rejecting the award.

(h) Prohibited Communication. Until the arbitration award is issued and has become final by either acceptance or rejection, an arbitrator may not be contacted ex parte, nor may an arbitrator publicly comment or respond to questions regarding a particular arbitration case heard by that arbitrator. Discussions between an arbitrator and judge regarding an infraction or impropriety during the arbitration process are not prohibited by this rule. Nothing in this rule shall be construed to limit or expand judicial review of an arbitration award or limit or expand the testimony of an arbitrator at judicial hearing to clarify a mistake or error appearing on the face of an award.

(i) Remote Appearances. The provisions of Rules 45 and 241 herein shall be equally applicable to arbitration hearings ~~where evidence will be presented~~. A party or witness may be allowed to participate remotely, including by telephone or video conference.

Adopted May 20, 1987, effective June 1, 1987; amended April 7, 1993, effective June 1, 1993; amended March 26, 1996, effective immediately; amended March 28, 2002, effective July 1, 2002; amended December 5, 2003, effective January 1, 2004; amended October 14, 2005, effective January 1, 2006; amended June 4, 2008, effective July 1, 2008; amended June 22, 2017, eff. July 1, 2017; amended Sept. 29, 2021, eff. Oct. 1, 2021; amended Feb. 2, 2023, eff. immediately; amended Dec. 2, 2025, eff. Mar. 1, 2026.

Committee Comments
(January 1, 2006)

Paragraph (h) is directed toward eliminating the problem of party or attorney use of information/feedback obtained during posthearing *ex parte* communication. Such communication could hinder the program goal of parties participating in good faith and could possibly influence the decision of the parties to accept or reject an award. This rule is not intended to restrict the ability of a party to communicate *ex parte* with a nonneutral party-arbitrator when used outside of court-annexed mandatory arbitration.

Administrative Order
In re Discovery Rules

The order entered March 28, 2002, amending various rules and effective July 1, 2002, shall apply to all cases filed after such effective date as well as all cases pending on such effective date, provided that any discovery order entered in any such case prior to July 1, 2002, shall remain in effect unless and until amended by the trial court.

Order entered November 27, 2002, effective immediately.

Committee Comment

(March 28, 2002)

This rule is amended to conform to the changes in terminology made in Supreme Court Rule 213.

Committee Comments

The conduct of the hearings, the outcome included, will substantially determine the regard and acceptance to be held by the legal community for this procedure as an effective method of dispute resolution for achieving a fair, early, economical and final result. For this reason, more perhaps than for any other of these rules, has the Committee devoted its attention to this rule. Meetings and interviews with out-of-State practitioners, judges and administrators were conducted with the greatest emphasis on the evidentiary aspect of the hearings.

Paragraph (a)

The authority and power of the arbitrators exist only in relation to the conduct of the hearing at the time it is held. Issues that may arise in the proceedings of the case prior, ancillary or subsequent to the hearing must be resolved by the court.

In some jurisdictions, including Pennsylvania, rulings on the evidence are to be made by a majority of the panel. Ohio has recently amended its rule to permit the chairperson to make such rulings. Practitioners, familiar with the practice in multiple-person panels, recommend that the ultimate authority reside with the chairperson. In practice one could reasonably expect the chairperson to consult with other members of the panel on difficult questions of admissibility.

Paragraph (b)

Several jurisdictions do not require hearings to be conducted according to the established rules of evidence.

New Jersey provides: "The arbitrator shall admit all relevant evidence and shall not be bound by the rules of evidence."

Ohio's statewide rules make no reference to the nature of the evidence admissible in mandatory arbitration hearings. Cuyahoga County (Cleveland), Hamilton County (Cincinnati) and Stark County (Canton) by local rules provide that the arbitrators shall be the judges of the relevancy and materiality of the evidence and "conformity to legal rules of evidence shall not be necessary."

The State of Washington rules leave to the discretion of the arbitrator the extent to which the rules of evidence will apply.

The States of Arizona, California, Minnesota, New York and Pennsylvania provide, as does this rule, for the application of the established rules of evidence with exceptions similar to those stated under paragraph (c).

It is the view of the Committee that the Illinois practitioner will enjoy a sense of security in that the established rules of evidence will apply to these hearings.

Paragraph (c)

All jurisdictions utilizing court-annexed arbitration have adopted rules substantially and conceptually similar to the provisions at paragraph (c) of this rule. The purpose for allowing presumptive admissibility of documents is to enable the parties to achieve the economy of time and expense available for the conduct of the hearing. The emphasis should be placed on substance and not form; the integrity of the evidence should be more meaningful than its formal method of introduction. The documents described in (c) are generally considered reliable and trustworthy for the purpose of admission. The documents that could be admitted under the general classification in (c)(6) could be photos, maps, drawings and blueprints, weather reports, business records and communications, and the like, so as to relieve the requirements of a foundational predicate for their admission.

The practice of the presumptive admission of documents of the type and nature described in the rule has stood the test of time and of experience in many thousands of hearings; one encounters no reported criticism or suggestion for change.

Regardless of the presumptive admissibility of the documents, the arbitrators will be required to apply the tests under established rules of evidence otherwise relating to admissibility and credibility and to determine, fairly, the weight to be given such evidence. Otherwise, the purpose of this procedure to achieve a fair, economical and early disposition of the controversy must ultimately fail by virtue of the lack of an essential integrity to the hearing itself.

Practitioners may not assume that practice will tolerate the blanket submission of voluminous records, charts or entire depositions with the expectation that the panel must pore over these documents and attempt to sort out that part which may be relevant or material to the issues at hand. Nor should such burden be placed on opposing counsel when such documents have been provided by notice. It would not be inappropriate or unreasonable, on the part of the panel, if it were to reject such blanket submissions unless proffering counsel specifies the entries or statements therein having relevancy and materiality.

None of the documents eligible for admission without foundation may be so offered unless the intention to do so, and a copy thereof, has been provided to opposing counsel not less than 30 days prior to the hearing. That length of time should be sufficient to enable counsel to verify the authenticity of the document, if prior discovery has not already accomplished that purpose. The Committee is recommending a period of notice longer than any of the arbitration jurisdictions; many provide a 20-day notice and some as few as seven days. We recommend the longer period so that there is less reason for the parties to request a continuance.

If the period of notice given for the submission of documents for presumptive admission is the minimum provided by this rule, and opposing counsel, in the exercise of prudent practice finds need to submit a document in rebuttal, he should apply to the court for leave to do so, unless his adversary will stipulate to a submission in less time than is required by this rule. Under such circumstances the court, in its ruling, should be guided by the degree of diligence and preparation previously undertaken by both counsel.

Whenever possible, counsel should endeavor to avoid delay and needless expense by stipulating to the admission of documents where there is no reasonable basis for believing they will not and should not be admitted.

Paragraph (d)

It is intended under this paragraph to require disclosure of the identity of an opinion witness whose written opinion will be offered under the provisions of paragraph (c)(5) herein, or who will testify at the hearings; and to the extent required under Rule 222, his qualifications, the subject matter of his testimony, and the basis of conclusions and opinions as well as any other information required by Rule 222(d)(6). This information must be provided not less than 30 days prior to the scheduled date of hearing. The longer the period of notice provided to one's adversary, the less justification there would be to delay the hearing by reason of a late and unexpected disclosure.

Paragraph (e)

Although existing practice in other jurisdictions indicates that the option provided under (e) is rarely exercised, opposing counsel is given the right to subpoena the maker of the document as an adverse witness, and examine that witness as if under cross-examination. This provision is not intended to act as a substitute for the right, under Rule 237, to require the production of a party at the hearing. In the event the maker sought to be served is not amenable to service of a subpoena, and provided further that counsel has been diligent in attempting to obtain such service, it would be incumbent on counsel to seek to bar its admissibility. Such motion should be made well in advance of the hearing date.

The Explanatory Note to Pennsylvania Rule 1305 states that if a member or author of the document is not subject to the jurisdiction of the court and cannot be subpoenaed, that document would not be presumptively admissible. The use of subpoena under this provision of the rule is rare and this problem does not appear to be one that has been bothersome to the practitioners. The Committee does not believe that there should be a hard and fast rule if such issue should arise but rather that it be decided on a case-by-case basis. This seems to be the prevalent view among practitioners of other jurisdictions. The materiality of the document to the issues should be a significant matter. The courts should also be alert to prevent the attempted use of this process by opposing counsel as an abusive tactic for delay and harassment.

Paragraphs (f) and (g)

Although these provisions of the Code of Civil Procedure and Supreme Court Rule 237 apply to trials, they should be equally applicable to hearings in arbitration. The Committee is advised that in actual practice it has been customary for counsel to arrange for the appearance of such witnesses by agreement.

A party who fails to comply with a Rule 237(b) notice to appear at a trial is subject to sanctions pursuant to Rule 219(c). Those sanctions may include an order debarring that party from maintaining a claim, counterclaim, etc. The 1993 amendment to Rule 90(g) is to make clear that a Rule 237(b) notice to appear at an arbitration hearing carries equivalent importance, such that a court may, in an appropriate case, debar a party who fails to comply from rejecting the award. The amendments also allow a party who received a notice to appear an opportunity to be excused in advance from appearing for good cause or by stipulation. For example, in a case where the party is willing to stipulate to the issue of liability and the only question which remains is damages, the party served with a Rule 237 notice may be excused by stipulation of the parties.

Amended Rule 99

Rule 99. Mediation Programs.

(a) Applicability to Circuits. Mediation programs may be undertaken and conducted in those judicial circuits which, with the approval of the Supreme Court, elect to utilize this procedure and in such other circuits as directed by the Supreme Court.

(b) Scope of Mediation Programs. Programs undertaken pursuant to this Rule may include formal mediation programs and other less formal dispute resolution programs, such as diversion programs and other programs that facilitate discussion and negotiations to help achieve resolution early in the case or prior to formal mediation. Any program approved under this Rule may include legal aid and other relevant services to promote fair resolutions for all participants.

~~(b)~~(c) **Fee/Assessment Waivers.** Mediation programs undertaken pursuant to this Rule shall include method(s) for providing no-cost mediation services for parties who have been granted a full fee/assessment waiver and lower-cost or no-cost mediation services for parties who have been granted a partial fee/assessment waiver. Receipt of a fee waiver shall not be a barrier to accessing mediation services, and private mediators are encouraged to provide low-cost or *pro bono* mediation services in cases in which a fee waiver is granted.

(d) Language and Communication Access. In cases where a litigant needs spoken language interpretation, sign language interpretation, or other language or communication assistance, the court shall provide, at no cost to the individual, a qualified interpreter or other resources, including Communication Access Realtime Translation (CART) services, for meaningful language and communication access for all the mediation sessions, consistent with the Supreme Court Language Access Policy and Supreme Court of Illinois Policy on Access for People with Disabilities. Interpreters shall meet the court's standards for accuracy, impartiality, and confidentiality. The court may use interpreters who are available from another county or state and may use remote video conferencing to ensure that meaningful language and communication access is provided at every mediation session.

(e) Use of Remote Videoconferencing Technology. Mediation sessions and other program services undertaken pursuant to this Rule may be conducted or provided remotely using videoconferencing technology consistent with Illinois Supreme Court Rule 45 and the Illinois Supreme Court Policy on Remote Court Appearances.

~~(c)~~(f) **Local Rules.**

(1) Each judicial circuit electing to establish a mediation program shall adopt rules for the conduct of the mediation proceedings. A person approved by the circuit to act as a mediator under these rules shall have judicial immunity in the same manner and to the same extent as a judge. Prior to the establishment of such a program, the Chief Judge of the circuit shall submit to the Supreme Court for its review and approval, through its Administrative Office, rules governing the operation of the circuit's program. A circuit operating a mediation program on the effective date of this Rule may continue the program for one year after the effective date of this Rule, but must, within 90 days of the effective date of this Rule, submit for the Supreme Court's review and approval the rules under which the mediation program is operating. Any

amendments to approved local rules must be submitted to the Administrative Office for review and approval prior to implementation.

(2) At a minimum, the local circuit court rules shall address:

(i) Actions eligible for referral to mediation;

(ii) Appointment, qualifications and compensation of the mediators;

(iii) Scheduling of the mediation conferences, either in person or remotely;

(iv) Conduct of the conferences;

(v) Use of videoconferencing technology to participate in the program;

(vi) Any costs charged to any participant;

(vii) A sustainability plan that includes a long-term funding plan;

(viii) Access to legal aid or *pro bono* services for unrepresented program participants;

(ix) Resources to provide meaningful language and communication access for program participants;

(x) *Pro bono* and reduced fee requirements for mediators;

(xi) Discovery;

~~(vi)~~(xii) Absence of party at the conference and sanctions;

~~(vii)~~(xiii) Termination and report of mediation conference;

~~(viii)~~(xiv) Finalization of agreement;

~~(ix)~~(xv) Confidentiality;

(xvi) Training of judges and key personnel on program operations;

~~(x)~~(xvii) Reporting to the Supreme Court for each approved mediation program shall be conducted in a manner and method as prescribed by the Administrative Office of the Illinois Courts.

(g) Applicability to High Volume Case Types and Case-Type Specific Programs. This Rule applies to programs designed for specific case types, including high-volume case types, that are not covered by another Illinois Supreme Court Rule.

(h) Minimum Mediator Qualifications. For any program undertaken pursuant to this Rule, participating mediators shall have completed, or be supervised by a mediator who has completed, a 40-hour mediation skills training through a program recognized by the local circuit.

Adopted April 11, 2001, effective immediately; amended October 10, 2001, effective immediately; amended Oct. 15, 2015, eff. immediately; amended Sept. 29, 2021, eff. Oct. 1, 2021; amended Dec. 6, 2021, eff. Jan. 1, 2022; amended Dec. 2, 2025, eff. Mar. 1, 2026.

Committee Comments

In 2025, the Illinois Judicial Conference reviewed and studied Rule 99 to modernize the Rule to reflect the current mediation landscape and changes that occurred since the implementation of Rule 99 in 2001 and subsequent amendments. This includes increased integration of legal aid and

social services in programs and the availability of technology to expand access to outside resources, allow more flexibility for participants and neutrals, and increase mediator pools.

The 2025 amendments require mediators participating in programs under this Rule to complete a 40-hour skills training that is recognized by the local circuit. This is intended to ensure minimum standardized training across the state, as use of remote technology expands statewide access to mediators. The amendments also encourage mediators to provide low-cost or *pro bono* mediation in cases where one or more parties has been granted a fee waiver and expands the local rule requirements to address any costs charged to the parties in the litigation, as well as a sustainable funding plan. The fees charged may include, but are not limited to, mediator fees for mediation sessions and dedicated filing-fee add-ons. A sustainability plan may include those costs charged to litigants or another identifiable source of funding.

Amended Rule 99.1

Rule 99.1. Mortgage Foreclosure Mediation Programs.

(a) Any judicial circuit implementing a m~~M~~ortgage foreclosure specific mediation programs ~~implemented by any judicial circuit~~ must adhere to the requirements set forth in Rule 99 and this rule.

(b) Programs undertaken pursuant to this Rule may include formal mediation programs and other less formal dispute resolution programs, such as diversion programs and other programs that facilitate discussion and negotiations to help achieve resolution early in the case or prior to formal mediation. Any program approved under this Rule may include legal aid and other relevant services to promote fair resolutions for all participants.

(c) Each judicial circuit that currently has approved local rules for a mediation program in place in accordance with Rule 99 may apply that program to mortgage foreclosure cases if applicable. Local rules amended or created to accommodate mortgage foreclosure cases consistent with this rule must be submitted to the Administrative Office of the Illinois Courts for review and approval prior to implementation.

~~(c)~~(d) Each judicial circuit electing to establish a new mortgage foreclosure mediation program shall adopt rules for the conduct of the mortgage foreclosure mediation proceedings. If a judicial circuit elects to establish a new mortgage foreclosure mediation program, the judicial circuit shall establish a plan for starting a mortgage foreclosure mediation program that demonstrates the mediation program can be implemented for that particular county or counties at the time of submission of the local rules for approval by the Administrative Office.

~~(d)~~(e) Based on the plan established pursuant to paragraph (d)~~(c)~~, the local circuit rules shall address:

(i) the requirements set forth in Rule 99, including language and communication access and the use of remote technology, consistent with the Supreme Court Language Access Policy, the Supreme Court of Illinois Policy on Access for People with Disabilities, Illinois Supreme Court Rule 45, and the Illinois Supreme Court Policy on Remote Court Appearances;

(ii) resources to provide meaningful access to HUD-certified housing counseling services for eligible homeowners;

(iii) resources to provide meaningful access to *pro bono* legal representation for eligible homeowners;

~~(iv) resources to provide meaningful language access for program participants;~~

~~(v)~~(iv) any costs charged to any participant in the mortgage foreclosure case;

~~(vi)~~(v) a sustainability plan that includes a long-term funding plan; and

~~(vii)~~(vi) training of judges, key court personnel and volunteers on mortgage foreclosure mediation.

Adopted Feb. 22, 2013, eff. Mar. 1, 2013; amended Dec. 2, 2025, eff. Mar. 1, 2026.

COMMITTEE COMMENTS

(March 1, 2013; revised Mar. 1, 2026)

The creation of Rule 99.1 resulted from the drastic increase in mortgage foreclosure cases and the resultant burden on judicial circuits throughout the state. Each judicial circuit faced a foreclosure crisis and began adapting its court procedures to most effectively administer the foreclosure proceedings. As a result, the judicial circuits began applying to the Illinois Supreme Court under Rule 99 for approval of mortgage foreclosure specific mediation programs. These programs varied widely in scope, capacity, and structure. To more fully understand the needs of mortgage foreclosure specific mediation, the Illinois Supreme Court appointed a committee to study and hold public hearings to address the need for uniformity among mediation programs. The Special Supreme Court Committee on Mortgage Foreclosures concluded that there was no one model that would work well for each judicial circuit but certain elements must be present to provide equal accessibility and assistance throughout the state. The intention of this rule is to incorporate more consistent elements in programs throughout the state while also allowing flexibility for changing conditions with mortgage foreclosure filings in the future.

The plan required in paragraph (c) recognizes the Supreme Court's need to understand the extent of the mortgage foreclosure problem in the county or counties in each judicial circuit applying for approval. The Supreme Court should be provided the history of the mortgage foreclosure filings in the judicial circuit, the available resources, and the staffing scope of the judicial circuit that shows that the mortgage foreclosure program is realistically attainable for the judicial circuit. The judicial circuit applying for approval should provide a plan that is comparable in scope, size and capacity to the mortgage foreclosure problem facing that circuit. Additionally, the plan should include information about available resources for qualified homeowners that will contribute to the successful implementation of such a program.

Paragraph (d) sets forth requirements specific to mortgage foreclosure mediation programs in addition to the requirements articulated in Rule 99. The Committee concluded that for residential mortgage foreclosures where a defendant was actively living in the home and facing foreclosure, access to a HUD-certified housing counselor and *pro bono* legal representation is beneficial. However, the Committee also recognized that the availability of those resources may differ from circuit to circuit in the state. As a result, any program proposal submitted for approval shall detail the access the program will be able to provide to eligible homeowners to HUD-certified housing

counseling services and *pro bono* legal representation. Where local resources are not available, circuits may partner with HUD-certified housing counseling services, *pro bono* legal representation, and mediators located outside of their county or circuit to increase access to these resources. Lack of availability of particular resources due to financial or geographic constraints shall not preclude approval of a mediation program.

The Committee also recognized that the implementation of a mortgage foreclosure mediation program can drain a court's resources both financially and in staffing capacity. As a result, paragraphs ~~(d)(v)~~(e)(iv) and ~~(vi)~~(v) require any new mortgage foreclosure mediation program to set forth any costs charged to the parties in the litigation, as well as the sustainability funding plan. The fees charged may include, but are not limited to, mediator fees for mediation sessions and dedicated filing-fee add-ons. A sustainability plan may include those costs charged to litigants or another identifiable source of funding.

New Rule 99.2

Rule 99.2. Residential Eviction Mediation Programs.

(a) Any judicial circuit implementing a mediation program specifically designed to assist tenants and landlords in residential eviction cases must adhere to the requirements set forth in Rule 99 and this rule.

(b) Programs undertaken pursuant to this Rule may include formal mediation programs and other less formal dispute resolution programs, such as diversion programs and other programs that facilitate discussion and negotiations to help achieve resolution early in the case or prior to formal mediation. Any program approved under this Rule may include legal aid and other relevant services to promote fair resolutions for all participants.

(c) Each judicial circuit establishing a residential eviction mediation program must ensure that the mediation program allows litigants reasonable time to meaningfully access legal counsel and mediation services prior to the court entering a default order or judgment for eviction in the residential eviction case.

(d) Each judicial circuit that currently has approved local rules for a mediation program in place in accordance with Rule 99 may apply that program to eviction cases if applicable. Local rules amended or created to accommodate residential eviction cases consistent with this rule must be submitted to the Administrative Office of the Illinois Courts for review and approval prior to implementation.

(e) Each judicial circuit electing to establish a new eviction mediation program shall adopt rules for the conduct of the eviction mediation proceedings. If a judicial circuit elects to establish a new residential eviction mediation program, the judicial circuit shall establish a plan for starting a residential eviction mediation program that demonstrates the mediation program can be implemented for that particular county or counties at the time of submission of the local rules for approval by the Administrative Office.

(f) Based on the plan established pursuant to paragraph (c), the local circuit rules shall address:

(i) the requirements set forth in Rule 99, including language and communication access

and the use of remote technology, consistent with the Supreme Court Language Access Policy, the Supreme Court of Illinois Policy on Access for People with Disabilities, Illinois Supreme Court Rule 45, and the Illinois Supreme Court Policy on Remote Court Appearances;

(ii) resources to provide meaningful access to *pro bono* legal representation for eligible tenants and landlords;

(iii) any costs charged to any participant in the eviction case;

(iv) a sustainability plan that includes a long-term funding plan;

(v) access to social services or other services that provide housing assistance, other financial resources, and education through the program;

(vi) training of judges, key court personnel and volunteers on eviction mediation and program operations.

Adopted Dec. 2, 2025, eff. Mar. 1, 2026.

COMMITTEE COMMENTS

(March 1, 2026)

Rule 99.2 builds on the housing-specific mediation foundation established in 2013 by Rule 99.1 governing mortgage foreclosure cases. Rule 99.2 governs mediation and diversion programs aimed to assist tenants and landlords in residential eviction cases. Much like mortgage foreclosure cases, there is a high volume of residential eviction cases, and these cases often include a high percentage of unrepresented parties. Many circuits developed residential eviction mediation or diversion programs under Rule 99 during the COVID-19 pandemic to help increase access to rental assistance and legal aid and to ensure compliance with the various moratoria that were implemented. While the pandemic has ended, tenants and landlords still benefit from programs that provide access to legal aid, mediation, and other social services.

Similar to foreclosure mediation programs, no one model will work for every judicial circuit, but certain elements must be present to provide equal access and assistance throughout the state. Eviction mediation and diversion programs should provide access to legal aid, mediation, and other services that may assist with rental assistance and other housing needs during the eviction process.

Circuits seeking to establish eviction mediation or diversion programs should provide the Supreme Court with statistical data for eviction filings in the judicial circuit, the available resources, and the staffing scope of the judicial circuit that shows that the program is realistically attainable for the judicial circuit. The judicial circuit applying for approval should provide a plan that is comparable in scope, size, and capacity to the number of residential evictions in that circuit.

The availability of resources may differ from circuit to circuit, and any program proposal submitted for approval shall detail access to social services or other services that provide housing assistance, other financial resources, and eviction education through the program, in addition to legal aid and mediation. Where local resources are not available, circuits may partner with

resources, *pro bono* legal representation, and mediators located outside of their county or circuit to increase access to these resources for the litigants. Lack of availability of particular resources due to financial or geographic constraints shall not preclude approval of an eviction mediation program.

The Supreme Court also recognizes that a residential eviction mediation program will require financial and staffing resources. As a result, paragraphs (f)(iii) and (iv) require any mediation program to set forth any costs charged to the parties in the litigation, as well as a sustainable funding plan. The fees charged may include, but are not limited to, mediator fees for mediation sessions and dedicated filing-fee add-ons. A sustainability plan may include those costs charged to litigants or another identifiable source of funding.

Amended Rule 241

Rule 241. Use of Remote Hearings in Civil Trials and Evidentiary Hearings

(a) Applicability. This Rule applies to civil trials and evidentiary hearings that require case participants to obtain approval to appear remotely, including by telephone or video conference, under Rule 45(c)(1)(i), (iii), and (iv).

(b) Testimonial Participation. The judge presiding over a matter may, upon request or the judge's own order, allow a case participant to testify by video conference for good cause shown and upon appropriate safeguards. Where the judge presiding over a matter or the testifying case participant does not have video conference services available, the judge may consider the presentation of testimony by telephone or other audio means in compelling circumstances for good cause shown and upon appropriate safeguards. The arbitrator(s) presiding over a matter may allow a case participant to testify by video conference by agreement of the parties and upon appropriate safeguards.

(c) Nontestimonial Participation. The judge presiding over a matter may, upon request or the judge's own order, allow a case participant who is not testifying to participate by telephone or video conference for good cause shown and upon appropriate safeguards. The arbitrator(s) presiding over a matter may allow a case participant who is not testifying to participate by video conference by agreement of the parties and upon appropriate safeguards.

(d) Costs. The judge may further direct which party shall pay the cost, if any, associated with the remote conference and shall take any action necessary to ensure that the cost of remote participation is not a barrier to access to the courts.

Adopted October 4, 2011, effective immediately; amended May 22, 2020; eff. immediately; amended Feb. 2, 2023, eff. immediately; amended Dec. 2, 2025, eff. Mar. 1, 2026.

Committee Comments
(October 4, 2011)
(Rev. Feb. 2, 2023)

The presentation of in-person testimony remains of utmost importance in trials and evidentiary hearings described in Rule 45(c)(1). As such, showings of good cause and compelling circumstances may arise when a witness is unable to attend trial for unexpected reasons, such as accident or illness, but is able to testify from a remote location. Advance notice should be given to all parties of foreseeable circumstances that may lead the proponent to offer testimony by contemporaneous transmission.

Good cause and compelling circumstances may be established if all parties agree that testimony should be presented by contemporaneous transmission; however, the court is not bound by a stipulation and can insist on in-person testimony.

Adequate safeguards are necessary to ensure accurate identification of the witness and protect against influences by persons present with the witness. Accurate transmission must also be assured.

Committee Comments
(May 22, 2020)
(Rev. Feb. 2, 2023)

The considerations that prompted the amendments to Rule 45, including the corresponding committee comments, apply to the changes to Rule 241. The use of video conference technology to conduct civil trials and evidentiary hearings increases accessibility to the courts, aids in the efficient administration of justice, avoids delays in trials, and more efficiently administers testimony for case participants who face an obstacle to appearing in person in court such as illness, disability, or distance from the courthouse. Accordingly, remote testimony in civil trials and evidentiary hearings must be given the same consideration as testimony presented physically in the courtroom or evidence deposition.

This rule adopts the definitions found in the Illinois Supreme Court Policy on Remote Appearances in Civil Cases. In particular, a case participant includes any individual involved in a civil case including the judge presiding over the case, parties, lawyers, guardians *ad litem*, minors in the care of the Department of Children and Family Services (DCFS), witnesses, experts, interpreters, treatment providers, law enforcement officers, DCFS caseworkers, and court reporters.

Due to the importance of trials and evidentiary hearings listed in Rule 45(c)(1), a showing of good cause is required for a case participant to testify or otherwise participate by video conference or for a case participant to participate in a nontestimonial manner by telephone. Good cause is likely to arise when a case participant is unable to attend a trial or evidentiary hearing for unexpected reasons, such as accident, illness, public health and safety, or limited court operations, but also in foreseeable circumstances such as residing or working far from the courthouse or having a disability that prevents an in-person court appearance.

A court has broad discretion to determine if video participation, including giving video testimony, and nontestimonial telephone participation are appropriate for a particular case. A court should take into consideration and balance any due process concerns, the ability to question witnesses, hardships that would prevent the case participant from appearing in person, the type of

case, any prejudice to the parties if testimony occurred by video conference, and any other issues of fairness. A court must balance these and other relevant factors in an individual case.

As referenced in Rule 45(b)(3), adequate safeguards are necessary to ensure accurate identification of the case participant testifying remotely and to avoid improper influences by any individual who may be present with the case participant at the time of the testimony. Where a case participant testifies from a remote location and no neutral representative or representative of an adverse party is present in the room with the testifying case participant, care must be taken to ensure the integrity of the examination. The testifying case participant may be examined by the court or counsel for any party regarding the identity of all persons in the room during the testimony. Where possible, all persons in the room during the testimony should separately participate in the videoconference. In furtherance of their obligations under Illinois Rules of Professional Conduct 3.3 (Candor Toward the Tribunal), 3.4 (Fairness to Opposing Party and Counsel), and 8.4(d) (Misconduct), counsel representing a case participant should instruct the case participant that (a) he or she may not communicate with anyone during the examination other than the examining attorney or the court reporter and (b) he or she may not consult any written, printed, or electronic information during the examination other than information provided by the examining attorney. Unrepresented case participants may be similarly instructed by the court.

Where the court or case participant does not have video conference services, the court may consider the presentation of the testimony by telephone or other audio means but only upon a showing of good cause, including a showing of exigent, safety, or security circumstances, and compelling circumstances with appropriate safeguards. For nontestimonial participation by telephone, compelling circumstances are not required, and a showing of good cause is sufficient. Per Rule 45, Committee Comment (d), any procedure or process for requesting approval to participate remotely shall be easy. For settlement conferences and case types or proceeding types under Rule 45(c)(1)(ii) and 45(c)(1)(v), judges should apply the more liberal standard and approve requests to appear remotely without requiring a showing of good cause or hardship, unless otherwise provided by Supreme Court Rule.

In accordance with Rule 45, Committee Comment (f), courts should first consider obtaining and using video conference services that do not charge participants a fee for participating. If services that charge participants a fee are used, any fees associated with a remote court appearance should not impose a barrier and should be subject to waiver for case participants who cannot afford them.

Amended Rule 905

Rule 905. Mediation

(a) Each judicial circuit shall establish a program to provide mediation for cases involving the custody or allocation of parental responsibilities of a child or relocation of a child or visitation or parenting time issues (whether or not the parties have been married). In addition to the minimum requirements set forth in subparagraph ~~(b)~~(f)(2) of Rule 99, local circuit court rules for mediation in child custody, allocation of parental responsibilities, relocation, visitation, and parenting time cases shall address: (i) mandatory training for mediators; (ii) limitation of the mediation program to child custody, allocation of parental responsibilities, relocation, visitation, and parenting time

issues; (iii) (unless otherwise provided for in this article) standards to determine which child custody, allocation of parental responsibilities, relocation, visitation, and parenting time issues should be referred to mediation and the time for referral; and (iv) excuse from referral to mediation if the court determines an impediment to mediation exists. The immunity and approval requirements of subparagraph ~~(b)~~(f)(1) of Rule 99 shall apply to mediation programs for child custody, allocation of parental responsibilities, relocation, visitation, and parenting time matters.

(b) Each judicial circuit shall establish a program to provide mediation for dissolution of marriage and paternity cases involving the custody, allocation of parental responsibilities of a child, relocation of a child, visitation or parenting time issues (whether or not the parties have been married). In addition to the minimum requirements set forth in subparagraph ~~(b)~~(f)(2) of Rule 99, local circuit court rules for mediation in dissolution of marriage and paternity cases shall address: (i) mandatory expertise requirements of a mediator; (ii) mandatory training for mediators; (iii) limitation of the mediation program to child custody, allocation of parental responsibilities, relocation, visitation, and parenting time issues; and (iv) referral of child custody, allocation of parental responsibilities, relocation, visitation, and parenting time issues to mediation, pursuant to Rule 923(a)(3), unless the court determines an impediment to mediation exists.

(c) The immunity and approval requirements of subparagraph ~~(b)~~(f)(1) of Rule 99 shall apply to mediation programs for child custody, allocation of parental responsibilities, relocation, visitation, and parenting time matters. ~~In cases where a litigant can only communicate in a language other than English, the court will make a good-faith effort to provide a mediator, and a *pro bono* attorney where applicable, and/or an interpreter who speaks the language of the litigant who needs English assistance.~~

(d) Any program established under paragraph (a) or (b) of this rule may use remote video conferencing in accordance with Illinois Supreme Court Rule 45 and the Illinois Supreme Court Policy on Remote Court Appearances to improve accessibility for litigants and to increase the pool of mediators available, if needed.

(e) In cases where a litigant needs spoken language interpretation, sign language interpretation, or other language or communication assistance, the court shall provide, at no cost to the individual, a qualified interpreter or other resources, including Communication Access Realtime Translation (CART) services, for meaningful language and communication access for all the mediation sessions, consistent with the Supreme Court Language Access Policy and Supreme Court of Illinois Policy on Access for People with Disabilities. Interpreters shall meet the court's standards for accuracy, impartiality, and confidentiality. The court may use interpreters who are available from another county or state and may use remote video conferencing to ensure that meaningful language and communication access is provided at every mediation session.

~~(c)~~**(f)** Every judicial circuit shall file a quarterly report with the Administrative Office of the Illinois Courts setting out the number of custody, allocation of parental responsibilities, visitation, parenting time, and relocation cases referred to mediation, the number of custody, allocation of parental responsibilities, visitation, parenting time, and relocation cases where mediation was referred but did not proceed, the number of cases referred on a *pro bono* basis, the number of cases where mediation proceeded remotely for any of the case participants who appeared remotely, the number of cases where there was a full settlement, the number of cases where there was a partial

settlement, and the percentage of cases wherein the parties were satisfied or unsatisfied with the process. Every judicial circuit shall require the completion of a mediation report filled out by a mediator on every custody, allocation of parental responsibilities, visitation, parenting time, and relocation case referred to mediation as well as the parties' evaluation of the mediation on forms prescribed by the Administrative Office of the Illinois Courts. The information contained in the mediator and parties' evaluation reports shall remain confidential and shall only be utilized for administrative and statistical purposes as well as the court's review of the efficacy of the mediation program.

~~(d)~~(g) In addition to meeting the requirements of Rule 905(a), (b), and (c), local circuit rules may also impose other requirements as deemed necessary by the individual circuits.

Adopted February 10, 2006, effective January 1, 2007; amended May 19, 2006, effective January 1, 2007; amended July 1, 2013, eff. Sept. 1, 2013; amended Mar. 8, 2016, eff. immediately; amended Sept. 29, 2021, eff. Oct. 1, 2021; amended Dec. 2, 2025, eff. Mar. 1, 2026.

Committee Comments
(Revised March 8, 2016)

Special Supreme Court Committee on Child Custody Issues

The Committee believes mediation can be useful in nearly all contested custody or allocation of parental responsibilities proceedings. Mediation can resolve a significant portion of custody and allocation of parental responsibilities disputes and often has a positive impact even when these issues are not resolved. The process of mediation focuses the parties' attention on the needs of the child and helps parties to be realistic in their expectations regarding custody or allocation of parental responsibilities.

Many counties and judicial circuits have had mandatory mediation programs in place in their domestic relations courts for years. Cook County and Du Page County have utilized mandatory mediation programs for more than a decade. To date, these mandatory mediation programs have been implemented by the judicial circuits under the auspices of Rule 99, Mediation Programs.

Rule 905 requires each judicial circuit to establish a mediation program for child custody and allocation of parental responsibilities proceedings. Local circuit court rules will address the specifics of the mediation programs. The Cook County model for mediation programs, which provides county-employed mediators at no cost to the parties, may not be financially or administratively feasible for every circuit. Alternatively, some circuits have required approved mediators to mediate a certain number of reduced fee or *pro bono* cases per year as identified by the court. The individual judicial circuits may implement rules which are particularly appropriate for them, including provisions specifying responsibility for mediation costs.

Paragraph (a) applies to cases involving custody, allocation of parental responsibilities, visitation, or parenting time issues, other than those arising in dissolution of marriage and paternity cases. It requires local circuit court rules to address mandatory training for mediators and limits the mediation program to issues involving child custody, allocation of parental responsibilities,

visitation, and parenting time. Paragraph (a) also requires local circuit court rules to set standards to use in determining which child custody, allocation of parental responsibilities, visitation, and parenting time issues should be referred to mediation and also address when the referral will be made.

Paragraph (b) provides for mediation of disputed custody, allocation of parental responsibilities, visitation, parenting time, and relocation issues in dissolution of marriage and paternity cases. The timing and manner of referral to mediation in dissolution of marriage and paternity cases is provided for in Rule 923.

Parties may be excused from referral under both paragraphs (a) and (b) if the court determines an impediment to mediation exists. Such impediments may include family violence, mental or cognitive impairment, alcohol abuse or chemical dependency, or other circumstances which may render mediation inappropriate or would unreasonably interfere with the mediation process.

Amended Rule 10-100

Rule 10-100. Illinois Supreme Court Commission on Access to Justice

(a) Purpose.

The Illinois Supreme Court Commission on Access to Justice is established to promote accessible, responsive, fair, inclusive, safe, unbiased, and welcoming Illinois state courts.~~, facilitate, and enhance equal access to justice with an emphasis on access to the Illinois civil courts and administrative agencies for all people, particularly the poor and vulnerable. The purpose is to make~~ To achieve this vision, the Commission strives to ensure that everyone can meaningfully participate in the services the court system provides and have an equitable experience. The Commission is charged with making access to justice a high priority for everyone in the legal system and, to the maximum extent possible, ~~the Commission~~ is intended to complement and collaborate with other entities to achieve this purpose~~addressing access to justice issues~~.

(b) Membership and Terms.

(1) The Illinois Supreme Court shall appoint seven members to the Commission. In addition, the Illinois Bar Foundation, The Chicago Bar Foundation, Lawyers Trust Fund of Illinois, and the Illinois Equal Justice Foundation shall have the right to appoint one member each. The commission shall be composed of five members of the judiciary, five lawyers, and one member who is not a lawyer. The Chief Justice of the Illinois Supreme Court shall appoint a person to serve as chair of the commission from among the members of the commission.

(i) The Illinois Supreme Court Commission on Access to Justice may, at its discretion, appoint separate specialized working groups and members to assist it in the carrying out of the purposes of the commission. Specialized groups may include, for example, Education, Court Rules/Procedures, Resources, Standardized Forms, and New Initiatives. These groups shall focus on particular issues within the working group's area of concentration. Membership within these specialized groups may be composed of both members and nonmembers of the Illinois Access to Justice Commission.

(2) Appointed members shall be selected based on their dedication to the purposes and

goals of the Commission. The potential appointee's contributions to the bar and community and demonstrated commitment to providing legal services to the underserved also shall be considered.

(3) Members of the Commission shall be appointed for terms of three years, except that in making initial appointments to the Commission, the Court may make appointments for one-year or two-year terms to ensure that the terms of the Commission's members are staggered, so that no more than one third of the members' terms expire in any given year.

(4) Members shall not be compensated for their contributions, but may be reimbursed for their necessary expenses.

(c) Duties.

In realizing the purpose of the Commission, the duties may include:

(1) encouraging means by which individuals can find proper legal representation in the judicial system;

(2) maintaining circuit court and community support and assistance so that the existing legal self-help centers in all Illinois counties can remain effective and accessible;

(3) collaborating with the circuit courts to develop standard guidelines and judicial education programs regarding interaction between self-represented litigants, judges, clerks, and other court personnel;

(4) creating standardized forms for simpler civil legal problems and basic procedural functions that, while not required for use by all litigants, would be required for courts to accept for filing throughout the state to ease the difficulty in self-representation;

(5) addressing language barriers in the courtroom;

(6) addressing the issue of accessibility to the courts, particularly in rural areas of Illinois;

(7) recognizing judges, attorneys, clerks, or other court personnel for their contributions of leadership and commitment to access to justice;

(8) recommending legislation, court rules, codes of conduct, policies, appropriations, and systematic changes that will open greater access to the courts, as needed;

(9) working with law schools in the development and furtherance of court-based programs that enhance equal access to justice;

(10) monitoring and sharing information on equal justice activities of similar entities in Illinois and in states outside of Illinois;

(11) expanding social work and social services in the court system for the purposes of addressing access to justice for individuals with special needs;

(12) supporting and guiding circuit court efforts to increase access through court-based information systems, Web sites, social media, and other technology platforms;

(13) researching and developing information by which the Commission's purpose can be made successful;

(14) promoting and supporting *pro bono* efforts in the state and fostering judicial and circuit court support for *pro bono* efforts throughout the state; and

(15) recommending to the Supreme Court other methods and means of improving the purposes and goals laid out in section (a) above.

(d) Administration.

(1) The Commission shall meet twice a year, at a minimum, and at other times at the request of the chair.

(2) A majority of its members in attendance at a meeting shall constitute a quorum. Meetings may be held at any place within the state and may also be held by means of telecommunication.

(3) The chair may appoint committees of members and assign them responsibilities consistent with the purposes and duties of the Commission.

(4) There shall be an independent annual audit of the Commission, the expenses of which shall be paid from Commission funds.

(5) The Commission shall submit an annual report to the Court reporting on its activities and finances in the previous year and describing future goals for the upcoming year. The Commission's annual report shall include the audit described in paragraph 4 and an accounting of the monies received and expended for its activities in that year.

(6) The Commission shall submit a strategic plan and budget to the Court on a regular cycle.

(7) Members of the Access to Justice Division of the Administrative Office of the Illinois Courts will staff the Commission, support the Commission's purpose, and assist the Commission in carrying out its duties.

(8) The Commission shall be funded by an annual assessment provided in Rule 756, and other support for the Commission may be provided through in-kind and financial support from a combination of private and public sources.

(9) The Commission shall have the authority to take all appropriate administrative and other actions it deems necessary with respect to its operations and finances, including but not limited to (i) opening one or more bank accounts, (ii) contracting, (iii) purchasing, and (iv) operating in coordination with the Administrative Office of the Illinois Courts.

Adopted June 13, 2012, eff. immediately; amended Apr. 8, 2013, eff. immediately; amended Oct. 18, 2022; eff. immediately; amended Dec. 2, 2025, eff. Mar. 1, 2026.