

Rule 100.7. Conduct of the Hearing

(a) Established Rules of Evidence Apply. Except as provided by this rule, the rules of evidence shall be liberally construed in all expedited child support hearings.

(b) Documents Presumptively Admissible. A party may offer in evidence, without foundation or other proof:

(1) the obligor's pay stubs or either employer-provided statement of gross income, deductions and net income or other records prepared by the employer in the usual course of business.

(2) documents provided by the obligor's insurance company which describe the dependent care coverage available to the obligor; and

(3) records kept by the clerk of the circuit court as to payment of child support.

If at least seven 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, or if at the expedited child support hearing the other party does not object, a party may offer in evidence without foundation or other proof:

(1) 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;

(2) computer-generated documents and records, unless objected to by a party; and

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

(c) Opinions of Expert Witnesses. Notwithstanding the provisions of Rule 220, a party who proposes to use a written opinion of an expert witness or the testimony of an expert witness at the hearing may do so provided a written notice of such intention is given to every other party not less than seven days prior to the date of hearing, accompanied by a statement containing the identity of the expert, his qualifications, the subject matter, the basis of his conclusions, and his opinion.

(d) Right to Subpoena Maker of a 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 expedited child support hearings and it shall be the duty of the party requesting the subpoena to modify the form to show that the appearance is set before an administrative hearing officer and to give the time and place set for the hearing.

(e) 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 expedited child support hearings as upon the trial of a case.

(f) Compelling Appearance of Witness at Hearing. The provisions of Supreme Court Rule 237 shall be equally applicable to expedited child support hearings as they are to trials.

Adopted April 1, 1992, effective immediately; amended Sept. 29, 2021, eff. Oct. 1, 2021.