

**McLean County Circuit Court
Procedures for Arbitration (AR); Law Magistrate (LM) and Small Claims (SC)**

Effective October 2020 – December 31, 2020

In response to Illinois Supreme Court order M.R 30370, entered August 27, 2020, summons and motions in Arbitration, Law Magistrate and Small Claims cases shall be amended and processed as provided herein.

Parties may visit the McLean County Circuit Clerk's Website at:
<https://www.mcleancountyil.gov/167/Forms-and-Resources> for forms to be used.

Procedures for all cases except Eviction, Detinue and Replevin actions:

1. Summons form:

- a. For all Arbitration, Law Magistrate and Small Claims cases (**excluding Eviction, Detinue and Replevin**), a thirty (30) day summons shall be used. The use of a date certain summons is hereby suspended until further notice and summonses shall not require in-court first appearances for these case types. A summons shall require each defendant to file a written appearance and answer/response within 30 (thirty) days from the date of service.
- b. All defendants shall make their appearances in the case by filing a written entry of appearance through the McLean County Circuit Clerk's Office within thirty (30) days after they are served with the summons, admitting or denying the claim and paying the required filing fee (or obtaining a fee waiver). **FAILURE TO COMPLY COULD RESULT IN A DEFAULT JUDGMENT IN FAVOR OF THE PLAINTIFF AND AGAINST THE DEFENDANT.** The plaintiff may electronically submit a proposed default judgment order for entry after thirty (30) days have elapsed from the date of service as provided herein below.
- c. Defendants are required to provide a current working telephone number and email address on the Entry of Appearance form so that future hearings may be scheduled and conducted remotely (by telephone or video). If a defendant does not have the means to appear and participate remotely either by video or telephone, the party shall contact the McLean County Court at smallclaims_scheduling@mcleancountyil.gov to schedule an in-court appearance.
- d. The plaintiff must electronically file the Proof of Service through the McLean County Circuit Clerk's Office.

2. Process to obtain default judgments:

- A. After thirty (30) days have elapsed from the date of service, a plaintiff may electronically file a **Motion for Default** and must attach to it the following:
 - a. A "Certificate in Support of Motion for Default" that must be used (see attached form); and

- b. A copy of the Proof of Service even though it may have previously been electronically filed through the McLean County Circuit Clerk's Office.

****FAILURE TO INCLUDE THESE DOCUMENTS WITH YOUR MOTION FOR DEFAULT WILL RESULT IN THE DEFAULT JUDGMENT NOT BEING ENTERED****

The Court may then enter a default judgment ***without the necessity of a hearing*** if the Court is satisfied with the information presented. If the Court is not satisfied with the information, the Court may, in its discretion, schedule the Motion for Default for a court hearing.

3. Process to obtain alias summonses:

Any requests by plaintiffs for issuance of an Alias Summons shall be requested electronically by filing a written Motion for Alias Summons with an Order setting forth the basis thereof. Those motions may be granted by the Court without the necessity of a hearing.

4. All non-first appearance hearings, including supplemental proceedings:

All non-appearance and supplementary proceedings (e.g. Petition for Rule to Show Cause; Citation to Discover Assets; etc.) shall be conducted remotely unless ordered by the Court (provided these proceedings are not otherwise prohibited during the Covid-19 pandemic). The party requesting the hearing shall obtain a hearing date from the judge presiding over the case. The party initiating the hearing shall include in either the Notice of Hearing or Supplemental Proceeding Summons (whichever is being used) the date and time when the hearing is to be conducted and shall have attached to it the Court's ***Instructions on How to Appear Remotely for Your Court Appearance***. If a party believes the matter cannot be addressed remotely, and that there is a need for an in-person hearing, that party must contact the Office of the Presiding Judge at smallclaims_scheduling@mcleancountyil.gov to request an in-person hearing. Judges reserve the right to set in-person proceedings at their discretion.

Procedures for Evictions, Detinue and Replevin cases:

1. Summons form:

- a. All Eviction, Detinue and Replevin cases, when allowable by law, shall proceed with a date certain summons. Please see the attached date certain summons to be used in these cases. It is also available online at the McLean County Circuit Clerk's website at: <https://www.mcleancountyil.gov/167/Forms-and-Resources>
- b. First appearances in Eviction, Detinue and Replevin cases shall be conducted remotely. A plaintiff must attach to the summons (in addition to anything else that is required by law) a copy of the Court's ***Instructions on How to Appear Remotely for Your Court Appearance***.

****THE FAILURE OF A PLAINTIFF TO DO SO MAY RESULT IN YOUR CASE NOT BEING HEARD ON THE DATE OF THE FIRST APPEARANCE****

2. How to obtain a court date to include in your Eviction, Detinue or Replevin case summons:

Please contact the Presiding Judge's office at smallclaims_scheduling@mcleancountyil.gov to schedule a court date.

3. Declaration for Temporary Halt of Eviction (CDC Order)

If a defendant in an Eviction case will be exercising their declaration for temporary halt of eviction under the Centers for Disease Control and Prevention's agency order, titled Temporary Halt in Residential Evictions to Prevent the Further Spread of Covid-19, they must use the form found at:

<https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf>

and provide such completed form to the landlord or Plaintiff in this case and electronically file the declaration through the McLean County Circuit Clerk's Office.

4. Eviction procedures and protocols may be adjusted as needed based on any eviction moratorium in effect.