

CIRCUIT COURT OF ILLINOIS
SIXTH JUDICIAL CIRCUIT

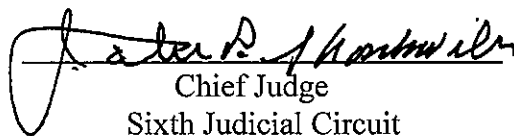
CIRCUIT ADMINISTRATIVE ORDER No. 11-1

In re: Failure to Appear Warrants, Additional Fee

1. Pursuant to 725 ILCS 5/110-7(i) amended effective January 1, 2011, any person who fails to appear in court on a required date for a violation of the Criminal Code of 1961 [720 ILCS 5/1-1. et seq.], the Illinois Vehicle Code [625 ILCS 5/1-100. et seq.], the Wildlife Code [520 ILCS 5/1.1. et seq.], the Fish and Aquatic Life Code [515 ILCS 5/1-1. et seq.], the Child Passenger Protection Act [625 ILCS 25/1. et seq.] or a comparable offense of a unit of local government as specified in Supreme Court Rule 551, and if the accused does not appear in court on the date set for appearance or any date to which the case may be continued, and the court issues an arrest warrant for the accused based upon his or her failure to appear when having previously been ordered to appear by the court, the accused upon his or her admission to bail, shall be assessed a fee of \$75.00. The fee shall be collected by the clerk of the court who shall remit \$5.00 of the fee assessed to Circuit Court Clerk Operation and Administrative Fund and \$70.00 to the arresting agency as provided by law.
2. The name of the arresting agency shall be noted on the Failure to Appear Warrant, or other document designating the arresting agency, name of the arrestee, and case number and sent to the clerk of the court of the issuing county.
3. The term "accused" is defined as any person accused of a failure to appear in both pre and post judgment warrants in any of the above cited statutes.
4. The said fee is neither a condition of bond nor a "bond fee" pursuant to 725 ILCS 5/110-7 (b) therefore payment is not a prerequisite to release on bond, and shall not be a condition of release.
5. The fee is waived if the accused appears before the court prior to the service of the "Failure to Appear" warrant.
6. The fee is not applicable if the arrest is made by a law enforcement officer in a foreign state.

Dated: April 28, 2011

Effective Date: May 2, 2011


Chief Judge
Sixth Judicial Circuit

CIRCUIT COURT OF ILLINOIS
SIXTH JUDICIAL CIRCUIT
PIATT COUNTY

IN RE: APPOINTMENT OF ASSOCIATE JUDGES)
CIRCUIT ADMINISTRATIVE)
ORDER NO. 11-2)

O R D E R

Pursuant to Rule 39 of the Illinois Supreme Court Rules,

Robert C. Bollinger

Holly F. Clemons

James R. Coryell

Scott B. Diamond

Chris E. Freese

John R. Kennedy

Richard P. Klaus

Chase M. Leonhard

Thomas E. Little

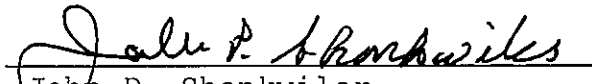
Brian L. McPheters

Timothy J. Steadman

are hereby reappointed by the Circuit Judges, Sixth Judicial Circuit, to the office of Associate Judge, Sixth Judicial Circuit, for a four-year term commencing July 1, 2011 at 12:01 a.m. through June 30, 2015, 12:00 p.m.

Dated at Monticello, Illinois, this 15th day of June, 2011.

ENTER: June 15, 2011


John P. Shonkwiler
Chief Circuit Judge

CIRCUIT COURT OF ILLINOIS

SIXTH JUDICIAL CIRCUIT

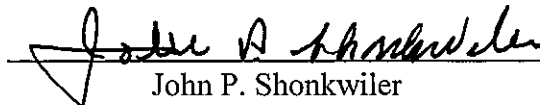
CIRCUIT ADMINISTRATIVE ORDER 11-3 AMENDING
CIRCUIT ADMINISTRATIVE ORDER 00-2 ENTERED AUGUST 1, 2000 and
ADMINISTRATIVE ORDER 00-2 AMENDED AUGUST 13, 2010.

Subject: Clerks' Additional Services Fee, Traffic Safety Program

Pursuant to the Director, Administrative Offices of the Illinois Court's Letter of June 3, 2011. Administrative Order 00-2 entered August 1, 2000 and Administrative Order 00-2 amended August 13, 2010 are hereby vacated effective as of midnight, Wednesday, August 31, 2011, with the exception that the Traffic Safety Program Fee is set at \$42.00 to be collected by the Clerk of the Court and remitted to the appropriate Traffic Safety Program.

Enter: August 23, 2011

Effective: September 1, 2011


John P. Shonkwiler
Presiding Judge, Piatt County

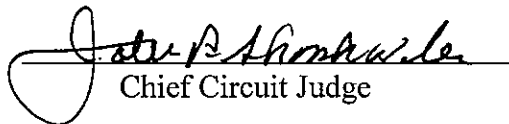
CIRCUIT COURT OF ILLINOIS

SIXTH JUDICIAL CIRCUIT

CIRCUIT ADMINISTRATIVE ORDER 11-4

In re: Requirement of Attorney General and States Attorney to give Special Notice and Financial Affidavit for Indigents Charged with Indirect Civil Contempt for failure to Pay Child Support.

1. Pursuant to *Turner v. Rogers*, 564 U.S. _____ (2011) any State or county officer filing a Petition for Adjudication of Indirect Civil Contempt or a Rule to Show Cause against an indigent payor, for failure to pay child support and who is not represented by counsel, shall send a Notice in substantially the same form as found in Appendix A of this order, together with the Petition or Rule, specifying that his or her ability to pay child support is a critical issue in the contempt proceeding, further, that;
2. The Petition or Rule shall also include a Financial Affidavit, in substantially the same form as found in Appendix B of this order directing that it be completely filled out prior to his or her appearing in court and that said form shall be brought to the court on the hearing for contempt.
3. The Petition or Rule sent by the petitioner shall certify that said Notice and Financial Affidavit was sent to the respondent along with the Petition or Rule and filed with the court fourteen days prior to the hearing. If the certificate is not attached to the Petition or Rule the court shall not proceed with the Petition for Indirect Civil Contempt or Rule to Show Cause.


Chief Circuit Judge

Signed: November 9, 2011

Effective: December 1, 2011

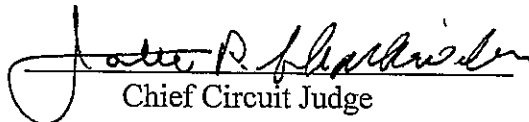
CIRCUIT COURT OF ILLINOIS

SIXTH JUDICIAL CIRCUIT

CIRCUIT ADMINISTRATIVE ORDER 11-5

In re: Requirement of Attorney General and States Attorney to give Special Notice and Financial Affidavit for Indigents Charged with Indirect Civil Contempt for failure to Pay Child Support.

1. Pursuant to *Turner v. Rogers*, 564 U.S. _____ (2011) any State or county officer filing a Petition for Adjudication of Indirect Civil Contempt or a Rule to Show Cause against an indigent payor, for failure to pay child support and who is not represented by counsel, shall send a Notice in substantially the same form as found in Appendix A of this order, together with the Petition or Rule, specifying that his or her ability to pay child support is a critical issue in the contempt proceeding, further, that;
2. The Petition or Rule shall also include a Financial Affidavit, in substantially the same form as found in Appendix B of this order directing that it be completely filled out prior to his or her appearing in court and that said form shall be brought to the court on the hearing for contempt.
3. The Petition or Rule sent by the petitioner shall certify that said Notice and Financial Affidavit was sent to the respondent along with the Petition or Rule and filed with the court fourteen days prior to the hearing. If the certificate is not attached to the Petition or Rule the court shall not proceed with the Petition for Indirect Civil Contempt or Rule to Show Cause.


Chief Circuit Judge

Signed: November 9, 2011

Effective: December 1, 2011

Summary of *Turner v. Rogers et al.*

In *Turner v. Rogers et al.* 564 U.S. _____, L.Ed.2d _____, _____ S. Ct. _____ (2011) the court clerk sent a "show cause" order to respondent to show cause why he should not be held in contempt of court for falling more than five days behind in child support. Over a period of three years he was held in contempt on five occasions, the first four times he was held in contempt and sentenced to 90 days but ultimately paid the back support. The fifth time he did not pay support and was sentenced to six months in jail. After completing his sentence, he was again noticed to appear and the court asked him if there was "anything you want to say." The respondent explained he got back on dope and paid "a little here and there" then he broke his back and filed for disability and SSI and was laid up for two months. The judge then asked the custodial parent if there was anything she wanted to say. The judge then stated that he found the respondent in wilful contempt and sentenced him to twelve months in the Detention Center; further, that he could purge himself by having a zero balance on or before his release. The judge made no express finding concerning respondent's ability to pay the arrearages nor did he ask any follow up questions on respondent's ability to pay arrearage.

The judge filled out a pre-written form titled "Order for Contempt of Court" which included:

"Defendant (was) (was not) gainfully employed gainfully employed and/or (had) (had not) the ability to make these support payments when due"

but did not complete the form by the appropriate striking of words.

The issue in the case is whether the Fourteenth Amendment's Due Process Clause requires the State to provide counsel for an indigent person charged with indirect civil contempt. The Court held that it was not, however the Court attached an important caveat "that the State must nonetheless have in place alternative procedures that assure a fundamentally fair determination of the critical incarceration-related question, whether the supporting parent is able to comply with the support order".

The Court went on to state that "(t) hose safeguards including notice to the defendant that his "ability" to pay" is a critical issue in the contempt proceedings; (2) the use of a form (or the equivalent) to elicit relevant financial information; (3) an opportunity at the hearing for the defendant to respond to the statements and questions about his financial status, (*e.g.* those triggered by his responses on the form); and (4) an express finding by the court that the defendant has the ability to pay". 564 U.S. at _____.

The Supreme Court vacated the finding of contempt and remanded to the South Carolina Supreme Court for further proceedings.

IMPORTANT NOTICE REGARDING CONTEMPT

Civil contempt proceedings have been filed against you for not paying your child support. **Your ability to pay your child support is a critical issue in determining whether you will be held in contempt or not.**

It is important that you provide the court with information about your financial ability to pay support so the court can accurately decide whether you are in contempt or not, and what the purge amount should be if you are in contempt. If you do not provide the court with this information, you may be found in contempt and placed in jail until you pay a specific sum of money to purge your contempt.

During these contempt proceedings, YOU MUST:

- 1) **Appear for all hearings. If you fail to appear, the court has the power to issue a warrant for your arrest.**
- 2) **Complete and bring to court the attached financial affidavit.**

During these contempt proceedings, YOU HAVE THE RIGHT TO:

- 1) **Hire an attorney to represent you.**
- 2) **Testify about your ability to pay child support.**
- 3) **Show the court evidence about your past and current financial ability to pay child support, including:**
 - ⊙ **Your last 6 paycheck stubs**
 - ⊙ **Your last 2 federal income tax returns with all schedules, exhibits, and forms attached**
 - ⊙ **Proof of any and all income**
 - ⊙ **Proof of assistance such as unemployment insurance benefits, social security income, social security disability, veterans benefits, food stamps, and any other type of assistance. If you have applied for assistance and not received a final decision, bring copies of the application.**
 - ⊙ **If you are searching for employment, bring a list of the employers that you have contacted in the last 2 months and the person's name you spoke to.**

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

Petitioner,
vs.

No: _____

Respondent.

IV-D: _____

FINANCIAL AFFIDAVIT FOR PETITION FOR ADJUDICATION OF INDIRECT CIVIL CONTEMPT

Use the reverse side of this affidavit to complete your answers. _____ certifies and states that the following answers are complete and true: (Print Your Name)

1) EMPLOYMENT INCLUDING TEMPORARY AND CASH

Are you now employed? Yes No Name/Address of Current Employer _____
Hire Date _____ Hourly Pay Rate \$ _____ Hours _____ Take Home Pay \$ _____ per _____ Attach Pay Stubs
If not employed, name/address of Last Employer _____ Dates of Employment _____ Pay/Hours _____
_____ to _____

2) LIST ALL OTHER INCOME THAT YOU USE TO MEET YOUR EXPENSES

Source(s) _____ Amount \$ _____ Total per Year \$ _____
Source(s) _____ Amount \$ _____ Total per Year \$ _____

3) HOUSEHOLD/DEPENDENT INFORMATION

Home Address _____ Own _____ Rent _____
How much do you pay in Mortgage/Rent? \$ _____ Is your Mortgage/Rent Paid Up to Date? Yes No
If not, how many months are you behind? _____ Last Payment Date _____ Property Taxes \$ _____
If you have a mortgage, what is the balance? \$ _____ How much is the property worth? \$ _____
Who Lives With You? Please list each person's name, age, and his/her relationship to you _____

Do any of these people help you with the Household Expenses? Yes No If yes, how much per month? \$ _____

Your children
Name _____ Address _____ Date of Birth _____ Child Support Amount _____ Last payment date _____

Vehicles Registered to your Home Address
Make/Model/Year _____ Monthly Payments _____ Owned by _____ Last Payment Date _____ Total Owed _____

APPENDIX B

over

4) ASSETS

Checking/Savings Account(s) _____ Amount(s) \$ _____ Cash \$ _____

All Investments including, but not limited to, stocks, bonds, retirement funds, pension plans, life insurance

Type _____ Company _____ Present Value \$ _____ Date Acquired _____

Type _____ Company _____ Present Value \$ _____ Date Acquired _____

Type _____ Company _____ Present Value \$ _____ Date Acquired _____

Have you received any gifts or inheritance? If yes:

Type _____ Amount Received \$ _____ Date Received _____ Present Value \$ _____

Have you received any settlements, judgments, or lump sum payments? If yes:

Type _____ Amount Received \$ _____ Date Received _____ Present Value \$ _____

5) MONTHLY EXPENSES

Electricity/Gas _____ Water _____ Internet _____ TV/Cable _____

Clothes _____ Food _____ Garbage _____ Laundry _____

Daycare _____ School _____ Babysitting _____ Household _____

Hospital _____ Dentist _____ Doctor _____ Prescriptions _____

Court Fines _____ Gifts _____ Car Gas/Fuel _____ Car Repairs _____

Cigarettes _____ Alcohol _____ Vacations _____ Restaurants _____

Toiletries _____ Household Phones: Home _____ Cell 1 _____ Cell 2 _____

Other expenses (list type and amount) _____

6) CREDIT CARDS/LOANS/INSURANCE

All Credit Cards

Type _____ Monthly Payment _____ Balance _____ Last Payment Date _____

Type _____ Monthly Payment _____ Balance _____ Last Payment Date _____

Type _____ Monthly Payment _____ Balance _____ Last Payment Date _____

Are you behind on any card payments? [] Yes [] No If so, how much? _____

All Loans including, but not limited to, school loans, bank loans, and personal loans

Type _____ Company _____ Present Balance \$ _____ Date Acquired _____

Type _____ Company _____ Present Balance \$ _____ Date Acquired _____

Are you behind on any of these loans? [] Yes [] No If so, how much? _____

Insurance: Home/Rental _____ Cars _____ Medical _____ Life _____

7) TOTAL MONTHLY EXPENSES \$ _____ TOTAL MONTHLY INCOME \$ _____

If total monthly expenses exceed total monthly income, please explain where the difference comes from:

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.

DATED: _____ RESPONDENT: _____