

**FOR IMMEDIATE RELEASE**

April 14, 2009

**PUBLIC HEARING ON PROPOSALS TO AMEND SEVERAL SUPREME COURT RULES**

The Rules Committee of the Illinois Supreme Court will hear comments at a public hearing later this week on several proposals, including a proposal related to expedited appeals in child custody cases, adoption cases and cases involving the termination of parental rights.

The hearing is scheduled to be held Friday, April 17 at 10 a.m. at 160 N. LaSalle Street, Room C-500 in Chicago.

One of the proposed rules related to children would make certain that judgments involving custody, adoption and the termination of parental rights are appealable even if the judgments leave other matters pending such as support, property issues or decisions affecting the rights of persons other than the child. This proposed change is embodied as an amendment to Rule 304, specifically adding paragraph (6) to Rule 304 (b).

Committee comments to the proposed amendment state the addition of paragraph (6) attempts to ameliorate current practice following several appellate court decisions which stated that custody orders after a full trial and other issues are not appealable where financial or other matters are still pending.

The second rule change related to children involves an amendment to Rule 306A which requires expedited appeals in child custody cases. The proposed amendment adds language to the rule stating that appeals of judgments of custody, adoption and termination of parental rights shall be expedited even if other matters affecting the rights of persons other than the child remain unresolved.

Expedited appeals under Rule 306A went into effect July 1, 2004 to promote stability for the affected children and their families as well as to alleviate the effect of uncertainty among the parties. The proposed additional language is intended to clearly indicate the intent of the Supreme Court to expand categories for appealable orders and to make it consistent with the proposed amendment, Rule 304 (b)(6).

Both proposed changes also substitute the word judgment(s) for order(s) to conform with marriage dissolution and adoption statutes and to “eliminate possible confusion”, according to committee comments appended to the proposed changes.

**MORE**

**Rules Committee Public Hearing  
Add One**

The proposals were submitted by the Special Supreme Court Committee on Child Custody Issues.

Other proposed rules on the agenda for the public hearing are:

--Amending Rule 307 to allow an interlocutory appeal from an order denying a motion to dispose under the Citizen Participation Act (735 ILCS 110/1).

--Amending Rule 12 (b)(3) to allow proof of service by delivery to a third-party commercial carrier by stating the time and place of delivery, the complete address which appeared on the package and the fact that the proper delivery charge was prepaid.

--Amending Rule 373 to allow effective filing of records, briefs or other documents by delivery to a third-party commercial carrier on or before the due date with delivery to the clerk made within three business days after the due date. Proof of delivery is the same as provided by the proposed revision in Rule 12 (b)(3).

--Amending Rule 341 (h) to require that an appellant's brief provide "a clear and exact reference to the pages of the record on appeal or abstract, if any, where a party preserved each issue in the trial court." And, "where a party did not preserve the question in the trial court, counsel should state why the issue should not be forfeited."

None of the proposed rules will take effect unless specifically approved by the Supreme Court.

Justice Thomas L. Kilbride is the Supreme Court liaison to the Rules Committee and Peoria attorney John Nicoara is chair of the Rules Committee.

The full texts of the proposed rules are posted on the Supreme Court website at [www.state.il.us/court](http://www.state.il.us/court) . To view the proposals, scroll down on the Home page to "Legal Community" (left side of the screen) and click on "Supreme Court Rules Committee Public Hearings."

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**(FOR MORE INFORMATION, contact: Joseph Tybor, press secretary to the Illinois Supreme Court at 312-793-2323)**