

TEMPORARY COVID 19 EMERGENCY PROCEDURES IN DECEDENTS' ESTATES

Chancery Division - Courtroom 2011
Associate Judge Brian J. Diamond

OPENING ESTATES:

1. Use ONLY DuPage County forms unless the case does not allow for it.
2. Fill in all of the blanks (i.e. don't put "unknown" or "N/A").
3. Double check to assure all documents are signed and notarized (Petition, Affidavit of Heirship and Oath).
4. Where called for, include the Designated Agent form and Consents/waivers from heirs.
5. Submit all documents electronically, except the Original Bond.
6. Mail the Original Bond to the Chancery Division: Attention: Judge Diamond's Courtroom.
7. Once the Original Bond arrives, Judge Diamond will review all of the documents and you will be notified of any deficiencies or that you may submit an opening order through e-access and the case will be added to the call. Please try to have the Opening order ready to go when you mail in the Bond so that the case can be opened expeditiously.

CLOSING ESTATES

1. Use ONLY DuPage County forms unless the case does not allow for it.
2. File all required documents electronically (Final Report, Proof of Publication and all signed receipts, and/or the 42-day notice to all Recipients/heirs).
3. Assure that the Final Report is notarized and that the box in the 5th paragraph from the top, related to claims, is checked, or crossed off.
4. Prepare an attorney affidavit verifying that no one who took under the estate was a minor or disabled and that there are no unresolved claim issues. If a 42-day notice was necessary, add to the affidavit that all heirs who did not sign a receipt were included in that notice.
5. Prepare a Closing report electronically or mail the DuPage County printed discharge order to the Chancery Division after all the other documents are e-filed.

Status Cases

1. If a case is on for status, is not ready to close and is less than 2 years old, submit an order setting the case for a 1 year status date, explaining in the order exactly what remains to be done. Pick a date on the same day of the week 1 year hence. (if the case is ready to close earlier, motion it up any day at 9am for close through the legal assistant and the 1-year date will then be stricken).
2. State in the order whether proof of publication has been filed or, if not filed, that you assure the Court that it will be filed prior to the next court date, or that more than 2 years will have passed prior to the next court date and therefore the claims period will have run.
3. If the case is more than 2 years old, then follow the same procedure as above, however, unless the reasons for delay satisfy the Court that the

Administrator/Executor has been diligent in their duties to close the estate, an earlier date will be set by the Court, and the Administrator/Executor will be ordered to appear to explain the reasons for the delay, and whether it may be necessary to remove the Administrator/Executor.

TAX CASES

1. Attorneys may submit continuance orders following the same procedures preceding the COVID emergency.
2. Prove-ups will be set by appointment with the legal assistant in Chancery and will likely not be set before June 15, 2020, unless there is a statutory deadline at issue.

ALL OTHER MOTIONS

1. Any other matters will be set on the status call and, if an evidentiary hearing with witnesses is necessary, will be postponed until after the Courthouse resumes normal, or somewhat normal operations, where witnesses and attorneys can be present.
2. Opposing attorneys may enter an agreed briefing schedule and set a matter for a date for setting for hearing, or a hearing date if approved through the legal assistant in Chancery and the Court.
3. Any time-sensitive matters will be set by appointment with the Chancery legal assistant after approval by the Court.
4. All local rules apply to motions alleged to be emergency matters.
5. The Court will decide any motions without argument if the Parties have briefed the issue, or the Court finds further briefing is not necessary, and the Court finds that further argument would not assist the Court in ruling on the motion.