

**MEMORANDUM FOR FINAL PROCEDURES
CONCERNING DISPOSITION OF
MINORS AND DISABLED PERSONS
PERSONAL INJURY CASES, SURVIVAL ACTIONS,
AND WRONGFUL DEATH CASES
WITH SAMPLE PETITIONS AND ORDERS**

April 2026

**TO: ALL JUDGES OF THE LAW AND PROBATE DIVISIONS,
AND MUNICIPAL DEPARTMENT**

FROM: DANIEL B. MALONE, PRESIDING JUDGE, PROBATE DIVISION

THOMAS V. LYONS, II, PRESIDING JUDGE, LAW DIVISION

ANTHANOSIOS (TOM) S. SIANIS, PRESIDING JUDGE, FIRST MUNICIPAL DISTRICT

MICHAEL B. BARRETT, DEPUTY CHIEF OF CIVIL

This memorandum, outlining procedures to be followed in handling minors and disabled persons personal injury cases, actions which survive a plaintiff's death, and actions brought under the Wrongful Death Act 740 ILCS 180/0.01 et seq., supersedes all prior memoranda relating to these procedures.

I. INTRODUCTION

Pursuant to Cook County Circuit Court Rules 6.4, 6.5 and 12.15, the judges of the Law Division and Municipal Department hearing a minor's or disabled person's personal injury action, an action brought under the Wrongful Death Act, or an action which survives a plaintiff's death, shall approve the settlement as fair and reasonable or upon the entry of a judgment shall fix the attorneys' fees and expenses attributable to the litigation, adjudicate liens, apportion a percent for wrongful death and a percent for survival action, allocate the wrongful death proceeds based upon the degrees of dependency of the next of kin where appropriate, determine the net amount distributable to each person, and enter an order dismissing the action.

Wrongful death matters without a survival count shall not be referred to the Probate Division unless brought by a personal representative appointed by the Probate Division. However, survival actions, as well as actions involving minors and disabled persons at or above \$10,000.00, shall be referred, accounted for and administered in the Probate Division.

Once the Law or Municipal judge makes these determinations, pursuant to Cook County Circuit Court Rule 12.15, the judges of the Probate Division are responsible for appointing guardians or other representatives, setting and approving bonds, authorizing the settlement distribution of proceeds, approving vouchers, and administering the estate in cases where the amount involved requires administration, such as when the action survives the plaintiff's death or a minor or disabled person is the recipient of net settlement proceeds at or above \$10,000.00.

II. REQUIREMENTS

A. Submission of Verdict or Settlement Petition and Proposed Order of Distribution

Any attorney seeking approval of a settlement in an action involving: (1) a minor's or disabled person's personal injury case; (2) an action brought under the Wrongful Death Act; and (3) an action which survives a plaintiff's death shall submit a petition and proposed order of distribution to the Law Division or Municipal Department settling judge presiding over the matter at the time of settlement.

B. Fair and Reasonable

The settling judge reviewing the aforementioned settlement petition shall decide whether the settlement is "fair and reasonable." Such a determination shall be based upon the totality of the known facts. Factors that are considered include, but are not limited to: (1) the severity of the injury; (2) an analysis of liability against the defendant(s); and (3) whether the case was settled pursuant to arbitration, mediation or pre-trial proceedings.

Recitation of Known Facts in Petition: In order to make a finding that the settlement is "fair and reasonable," the petition must include a brief recitation of the case's known facts. IT IS NOT SUFFICIENT TO MERELY REFER TO ANY COMPLAINTS FILED WITH THE CASE.

Fair and Reasonable Language in Order: The settlement order must contain the following language: "***The settlement amount is fair and reasonable.***"

C. Proceedings Transferred to Probate for Estate Administration

Amount distributable of \$10,000.00 or more: In any action in which the net amount distributable after deducting fees, expenses, and liens from the total settlement amount to a minor or disabled person is \$10,000.00 or more, a proceeding must be instituted in the Probate Division

in the county where the minor or disabled person resides. In such instances, the settling judge's order of distribution must contain the following language:

“The settlement amount approved herein shall be paid only to a guardian appointed by the Probate Division where the minor or disabled person resides and this order shall be effective only after the entry in the Probate Division of the circuit court of an order approving the bond or other security required to administer the settlement and distribution provided for in this order.”

The order shall not contain language which appoints a guardian, designates a depository or purports to waive a bond. Further, the order shall not direct the execution of releases by the parent, next friend or guardian. Said language would allow settlement without a bond and without reference to the Probate Division.

Amount distributable is less than \$10,000.00: If no representative has been appointed in the Probate Division and the minor or disabled person is to receive an amount less than \$10,000.00, the settling judge has the discretion to order that all or part of the funds be: 1) distributed to and controlled by the parent, next friend, or guardian for the sole benefit of the minor or disabled person until the minor reaches the age of majority and/or disability is removed, and/or 2) distributed to the parent, next friend, or guardian to be placed in an interest-bearing restricted bank account and held therein until the minor reaches the age of majority and/or the disability is removed. In any case, the order of distribution must indicate to whom the funds will be distributed, how they will be used and protected (bank account, certificate of deposit, money market account, etc.), and who will administer the account.

1. Actions brought by a Personal Representative

In pre-suit wrongful death/survival actions brought by a personal representative appointed by the Probate Division, the distributable amount is administered in the Probate Division.

Upon the settlement or disposition of a wrongful death cause of action, the settling judge shall apportion a percent for wrongful death and a percent for survival action, and determine the allocation of the wrongful death proceeds based upon the degrees of dependency of the next of kin. Further, prior to distribution of proceeds, the settling judge disposing of the wrongful death case shall consider appointing a guardian ad litem to represent the interests of any minor or disabled person. The necessity for appointment of a guardian ad litem usually arises in

circumstances in which the proposed distribution allocates a disproportionately low amount to the minor or disabled person. The fees of the guardian ad litem shall be paid out of the gross estate rather than the distributive share of the minor or disabled person.

If the action is for wrongful death and was brought by a representative appointed by the Probate Division, the order approving the settlement or entering the judgment in such action shall provide that the amount distributable, based on dependency, shall be accounted for and administered in the Probate Division. Upon the entry of the order, the representative shall file a petition in the Probate Division requesting the entry of an order authorizing the representative to receive the proceeds of the action and fixing and approving the bond, unless waived by the Probate Division, or other security required pursuant to the settlement or judgment.

2. Actions brought by a Wrongful Death Special Administrator

In wrongful death actions brought by a special administrator appointed pursuant to 740 ILCS 180/2, the order entering judgment or approving the settlement shall provide that the court in which the action is heard shall approve distribution of the amount recovered in any such action. However, if the net proceeds to a minor or disabled person exceed \$10,000.00, the order of distribution shall be administered and distributed under the supervision of the Probate Division.

3. Structured Settlements

Structured settlements require formulating procedures and/or payment schedules to safeguard settling minors and disabled persons in personal injury cases. Any structured settlement proposal is subject to the approval of the settling judge in accordance with the guidelines set forth in this memorandum.

When structured payment settlements are utilized, the attorney's compensation shall not exceed 33 1/3% (or that allowable by statute or rule) of the "Present Cash Value" of the total settlement except as set forth in D below.

D. Attorney's Fees for Settlement of Minors and Disabled Persons Personal Injury and Wrongful Death and Survival cases

Pursuant to Cook County Circuit Court Rule 6.4(d) and 6.5(c):

Except as otherwise limited by rule or statute, attorneys' compensation shall not exceed 1/3rd of the recovery if the case is disposed of by settlement or trial. If an appeal is perfected, the compensation to be paid to the attorney shall not in any event exceed one half of the recovery.

E. Attorney's Fees in Medical Malpractice Actions Filed on or After January 18, 2013:

Under the provisions of 735 ILCS 5/2-1114:

“In all medical malpractice actions the total contingent fee for plaintiff's attorney or attorneys shall not exceed 33 1/3% of all sums recovered.”

F. Attorney's Expenses

Every petition and order of distribution must include a detailed itemization of all expenses claimed and the party seeking to recover expenses bears the burden of presenting sufficient evidence to support the claim. *GMAC Mortgage Corp. v. Larson*, 232 Ill. App. 3d 697, 703 (3rd Dist. 1992). Strict judicial scrutiny of these items is to be expected pursuant to the applicable case law. It is within the discretion of the reviewing court to determine whether said expenses are recoverable.

Overhead Expenses: An attorney cannot separately itemize and charge to the client expenses properly designated as overhead. Overhead expenses include general office expenses, such as photocopying, legal newspaper subscriptions, telephone and delivery services, telecopier and research (i.e. Westlaw, Lexis, Law Bulletin), and other similar expenses. *Harris Trust and Sav. Bank v. Am. Nat'l Bank and Trust Co. of Chicago*, 230 Ill. App. 3d 591, 599-600 (1st Dist. 1992). Other inappropriate overhead expenses include taxi or rideshare applications, routine local transportation mileage, lunch, and litigation funding contracts. Additionally, there will be no allowance for advances for costs of remaining litigation.

Ambiguous Charges: Expenses that are indistinct in terms of the task performed, its purposes, or the time spent on the task are considered “ambiguous” and unrecoverable. *Mercado v. Calumet Fed. Sav. & Loan Ass'n*, 196 Ill. App. 3d 483, 494 (1st Dist. 1990). For example, in *Mercado*, the following undated entries were deemed too vague and lacking in sufficient details concerning the nature of the legal tasks performed: 10 hours for “research in connection with the brief in support of defendant's motion to dismiss;” and 11 hours for “research for the balance of the case in connection with the appeal and brief.” *Id.*

Excessive or Duplicative Billing: The court shall exclude from any distribution order deductions for expenses that are “excessive, redundant, duplicative, or otherwise unnecessary.” *Berlak v. Villa Scalabrini Home for the Aged*, 284 Ill. App. 3d 231, 244 (1st Dist. 1996).

Medical Expenses: See Section G below for guidance regarding when deductions for medical expenses are and are not permitted.

Prospective Expenses: Expenses that are prospective, such as expenses to be paid by the attorney subsequent to the entry of the settlement and distribution order, Probate filing fees, bond fees, etc., are not recoverable in the Law Division or the First Municipal Department. However, to ensure recovery of said expenses the attorney may include the following language in the order:

“The Probate expense(s) claimed herein appear reasonable, however, reimbursement of the same must be obtained from the Probate estate.”

Again, expenses for future funding of any remaining litigation are not recoverable.

G. Liens and Reimbursements for Medical Expenses

Health Care Services Lien Act. A valid primary lien under the Health Care Services Lien Act, 770 ILCS 23/1 *et seq.*, shall be satisfied from any award, even if the award is in favor of a minor or disabled person, and even if the award does not specifically incorporate recovery for medical expenses incurred or paid. *Manago v. County of Cook*, 2017 IL 121078 ¶ 23. There is no inherent conflict between the application of the Family Expense Act and the Lien Act. *Id.* at ¶ 33.

Insurance subrogation claims. If the parents of the minor who receive a benefit from the payment of medical expenses by an insurer, the insurer may not recover those expenses from the minor’s estate. *Estate of Aimone v. State Health Benefit Plan/ Equicor*, 248 Ill. App. 3d 882, 884 (3rd Dist. 1993). *See also, In Re Estate of Hammond*, 141 Ill. App. 3d 963, 965 (1st Dist. 1986); *Klem v. Mann*, 279 Ill. App. 3d 735, 738-739 (1st Dist. 1996); *Estate of Woodring v. Liberty Mutual Fire Ins. Co.*, 71 Ill. App. 3d 158 (2nd Dist. 1979). However, where the settling judge explicitly finds that the dependent of an insured was a third-party beneficiary of the insurance contract, an insurer’s subrogation claim against the minor’s recovery may be allowed. *See, e.g., Sosin v. Hayes*, 258 Ill. App. 3d 949, 952 (1st Dist. 1994) (The injured minor was named as a covered dependent under his father’s health plan and would continue to receive benefits arising out of the accident after reaching the age of majority; the minor’s mother assigned her rights to reimbursement for medical expenses to him; and the minor’s father executed the unambiguous reimbursement agreement for medical expenses with the insurer on behalf of himself and on behalf of his minor son, so minor was deemed a direct contract beneficiary and subrogation was allowed from the minor’s settlement.)

ERISA Plan's reimbursement rights. If a self-funded ERISA plan requires reimbursement by all plan beneficiaries who receive benefits thereunder, such contractual terms can be enforced to require reimbursement from a minor's settlement and state anti-subrogation statutes are preempted. *FMC Corp. V. Holiday*, 498 U.S. 52 (1990); *See also Board of Trustees v. Adams*, 1998 WL 259543 (N.D. Ill).

Illinois Department of Healthcare and Family Services liens. The Illinois Public Aid Code provides that the Illinois Department of Healthcare and Family Services has a charge upon all claims, demands, and causes of action for injuries to someone who received or has applied for financial aid, including health care benefits. 305 ILCS 5/11-22. Additionally, this right of reimbursement "take[s] priority over all other liens and charges existing under the laws of the State of Illinois with the exception of the attorney's lien." *Id.* Distribution of settlement proceeds is within the trial court's powers. *McKim v. S. Ill. Hosp. Servs.*, 2016 IL App (5th) 140405, ¶ 17.

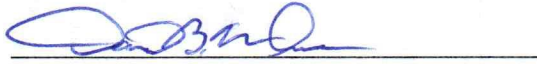
Medicare liens. Under the Medicare Secondary Payer Act, Medicare does not pay for medical services in cases where an injury or illness was caused by another party or in situations where payment can be made by liability insurance. 42 U.S.C. § 1395y(b)(2)(A)(ii) (2012). If Medicare pays for medical care under such circumstances, the payment is construed as a "conditional payment." 42 U.S.C. § 1395y(b)(2)(B)(i) (2012); C.F.R. § 411.52 (2012). Medicare has a direct right to recover the entire amount of the bills paid from the entity responsible to make the primary payment, or alternatively from the individual or entity that received payment from the responsibly party. 42 U.S.C. § 1395y(b)(2)(B)(iii)(2012). *McKim v. S. Ill. Hospital. Servs.*, 2016 Ill. App. (5th) 140405, ¶ 22.

III. CONCLUSION

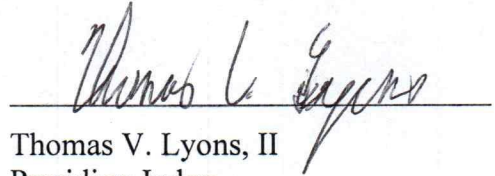
The provisions of this Memorandum apply equally to minors and disabled persons personal injury cases, wrongful death and survival actions. The objective of the procedures described above is to permit the total disposition by the Law Division or Municipal Department of any case in which a Probate Division action is not necessary while, at the same time, ensuring that appropriate Probate Division involvement is not eliminated by reason of an overly broad Law Division or Municipal Department order.

It is to be noted that while the following sample petitions and orders would handle the great majority of cases, they may not deal with those which go to verdict and judgment as

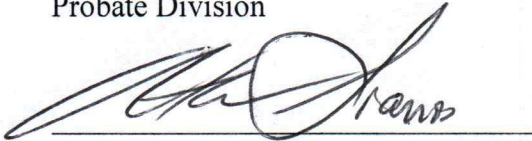
opposed to settlement. In those cases, orders must be tailored to suit the particular circumstances bearing in mind the above procedures.



Daniel B. Malone
Presiding Judge
Probate Division



Thomas V. Lyons, II
Presiding Judge
Law Division



Anthanasios (Tom) S. Sianis
Presiding Judge
First Municipal District



Michael B. Barrett
Deputy Chief of Civil

LAW DIVISION
AND
MUNICIPAL
DEPARTMENT SAMPLE
ORDERS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

<p style="text-align: center;">Plaintiff(s)</p>	<p>Case No. _____</p>
<p>v.</p>	
<p style="text-align: center;">Defendant(s)</p>	

ORDER

Upon motion of the parties through their attorneys for the entry of an order approving settlement in the amount of \$ _____, the Court finds as follows:

1. The settlement amount is fair and reasonable.
2. The attorney(s) for the plaintiff(s) is entitled to fees in the amount of \$ _____.
3. The attorney(s) for the plaintiff(s) is entitled to reimbursement for expenses in the amount of \$ _____, [itemized as follows] or [attached as Exhibit A] (circle one).

	\$ _____
	\$ _____
	\$ _____
	\$ _____

TOTAL: \$ _____

4. The lien(s) of _____ have been [settled] and/or [adjudicated by the Court] (circle one) and allowed in the sum(s) of: \$ _____.
5. The net amount distributable for _____ [minor or disabled person] (circle one) is \$ _____ and _____ [parent or guardian or next friend] (circle one) is qualified to receive the sum on behalf of the minor or disabled person.
 - a. \$ _____ of these funds shall be distributed to the [parent or guardian or next friend] (circle one) for the sole benefit of _____ [minor or disabled person] (circle one)

AND/OR:

- b. \$ _____ of these funds shall be placed in an interest-bearing bank account at _____ [Name of Bank], and held therein until the minor reaches the age of majority, the disability is removed, or released by the Court.

6. Vouchers evidencing attorney's expenses and disbursements of funds shall be filed with this court within 60 days.

7. This matter is dismissed with prejudice and without costs.
8. This Court shall retain jurisdiction to enforce the terms of the settlement and to adjudicate any liens.

ENTERED:

Dated: _____

Circuit Court Judge

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

	Plaintiff(s)	Case No. _____
v.		
	Defendant(s)	

ORDER

Upon motion of the parties through their attorneys for the entry of an order approving settlement in the amount of \$ _____, the Court finds as follows:

1. The settlement amount is fair and reasonable.
2. The attorney(s) for the plaintiff(s) is entitled to fees in the amount of \$ _____.
3. The attorney(s) for the plaintiff(s) is entitled to reimbursement for expenses in the amount of \$ _____, [itemized as follows] or [attached as Exhibit A] (circle one).

	\$ _____
	\$ _____
	\$ _____
	\$ _____

TOTAL: \$ _____

4. The lien(s) of _____ have been [settled] and/or [adjudicated by the Court] (circle one) and allowed in the sum(s) of: \$ _____.
5. The net amount distributable for _____ [minor or disabled person] (circle one) is \$ _____.
6. This matter is dismissed with prejudice and without costs.
7. IT IS ORDERED that the settlement is approved provided that the settlement amount herein shall be paid only to a Guardian appointed by the Probate Division of the circuit court where the minor or disabled person resides; this order shall be effective only after the entry in the appropriate Probate Division of an order approving the bond or other security required to administer the settlement and distribution provided for in this order.

ENTERED:

Circuit Court Judge

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

_____ Plaintiff(s)		Case No. _____
v.		
_____ Defendant(s)		

ORDER

Upon motion of the parties through their attorneys for the entry of an order approving settlement in the amount of \$ _____, the Court finds as follows:

1. The settlement amount is fair and reasonable.
2. The attorney(s) for the plaintiff(s) is entitled to fees in the amount of \$ _____.
3. Approval and reimbursement of any probate attorney's fees must be obtained from the Probate Division.
4. The attorney(s) for the plaintiff(s) is entitled to reimbursement for expenses in the amount of \$ _____, [itemized as follows] or [attached as Exhibit A] (circle one).

	\$ _____
	\$ _____
	\$ _____
	\$ _____

TOTAL: \$ _____

5. The probate expenses claimed herein appear reasonable; however, approval and reimbursement of the same must be obtained from the Probate Division.
6. The lien(s) of _____ have been [settled] and/or [adjudicated by the Court] (circle one) and allowed in the sum(s) of: \$ _____.
7. The net proceeds of the wrongful death and survival actions are \$ _____.
8. This Court apportions _____% of the net proceeds to the wrongful death action, resulting in \$ _____, which shall be distributed to the next of kin based upon dependency, in accordance with section 740 ILCS 180/2(b) of the Wrongful Death Act. (see paragraph 11).
9. This Court apportions the remaining _____% of the net proceeds to the survival action, resulting in \$ _____, which shall be accounted for and administered by the Probate Division in accordance with 755 ILCS 5/2-1.

10. The next of kin (heirship as defined by 755 5/2-1 et seq.) of the decedent is/are as follows:

_____	_____	[Adult], [Disabled Adult], [Minor] (circle one)
Name	Relation	
_____	_____	[Adult], [Disabled Adult], [Minor] (circle one)
Name	Relation	
_____	_____	[Adult], [Disabled Adult], [Minor] (circle one)
Name	Relation	
_____	_____	[Adult], [Disabled Adult], [Minor] (circle one)
Name	Relation	

11. Pursuant to section 740 ILCS 180/2(b) of Wrongful Death Act, this court finds that the percentages of dependency for the next of kin identified in paragraph 10 are as follows:

_____	_____	\$ _____*
Name	% of dependency	Net Distributable Amount
_____	_____	\$ _____
Name	% of dependency	Net Distributable Amount
_____	_____	\$ _____
Name	% of dependency	Net Distributable Amount
_____	_____	\$ _____
Name	% of dependency	Net Distributable Amount

*If the amount distributable to either a disabled adult or minor exceeds \$10,000, the disabled adult or minor's share shall only be distributed to a Guardian appointed by the Probate Court.

12. This matter is dismissed with prejudice and without costs.

13. This Court shall retain jurisdiction to enforce the terms of the settlement and to adjudicate any liens.

IT IS ORDERED that the settlement is approved and the personal representative is authorized and directed to execute releases in accordance with the provisions of this order.

IT IS ORDERED that the amount distributable to the next of kin shall be accounted for and administered in the Probate Division. As such, the settlement proceeds shall only be paid upon the presentation of an order entered in the Probate Division approving a bond and authorizing the decedent's representative to receive the distributable amounts.

ENTERED:

Dated: _____

Circuit Court Judge

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

Plaintiff(s) Case No.
v.
Defendant(s)

ORDER

Upon motion of the parties through their attorneys for the entry of an order approving settlement in the amount of \$, the Court finds as follows:

- 1. The settlement amount is fair and reasonable.
2. The attorney(s) for the plaintiff(s) is entitled to fees in the amount of \$.
3. Approval and reimbursement of any probate attorney's fees must be obtained from the Probate Division.
4. The attorney(s) for the plaintiff(s) is entitled to reimbursement for expenses in the amount of \$, [itemized as follows] or [attached as Exhibit A] (circle one).

Four lines for itemized expenses with dollar signs and a TOTAL line.

- 5. The probate expenses claimed herein appear reasonable; however, approval and reimbursement of the same must be obtained from the Probate Division.
6. The lien(s) of have been [settled] and/or [adjudicated by the Court] (circle one) and allowed in the sum(s) of \$.
7. The net proceeds distributable to the next of kin is \$.
8. The next of kin (heirship as defined by 755 5/2-1 et seq.) of the decedent is as follows:

Table with 2 columns: Name, Relation. Includes checkboxes for [Adult], [Disabled Adult], [Minor] (circle one) *.

Name Relation [Adult], [Disabled Adult], [Minor] (circle one)

Name Relation [Adult], [Disabled Adult], [Minor] (circle one)

*If the net amount distributable to either a disabled adult or minor exceeds \$10,000, the disabled adult or minor's share shall only be distributed to a Guardian appointed by the Probate Court.

9. The court finds that the percentages of dependency for the next of kin identified in paragraph 6 are as follows:

_____ Name	_____ % of dependency	\$ _____ Net Distributable Amount
_____ Name	_____ % of dependency	\$ _____ Net Distributable Amount
_____ Name	_____ % of dependency	\$ _____ Net Distributable Amount
_____ Name	_____ % of dependency	\$ _____ Net Distributable Amount

10. This matter is dismissed with prejudice and without costs.

11. This Court shall retain jurisdiction to enforce the terms of the settlement and to adjudicate any liens.

IT IS ORDERED that the settlement is approved and the personal representative is authorized and directed to execute releases in accordance with the provisions of this order.

IT IS ORDERED that the amount distributable to the next of kin shall be accounted for and administered in the Probate Division.

ENTERED:

Dated: _____

Circuit Court Judge

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

	Plaintiff(s)	Case No. _____
v.		
	Defendant(s)	

ORDER

Upon motion of the parties through their attorneys for the entry of an order approving settlement in the amount of \$ _____, the Court finds as follows:

1. The settlement amount is fair and reasonable.
2. The attorney(s) for the plaintiff(s) is entitled to fees in the amount of \$ _____.
3. The attorney(s) for the plaintiff(s) is entitled to reimbursement for expenses in the amount of \$ _____, [itemized as follows] or [attached as Exhibit A] (circle one).

	\$ _____
	\$ _____
	\$ _____
	\$ _____

TOTAL: \$ _____

4. The lien(s) of _____ have been [settled] and/or [adjudicated by the Court] (circle one) and allowed in the sum(s) of: \$ _____.
5. The net proceeds distributable to the next of kin is \$ _____.
6. The next of kin (heirship as defined by 755 5/2-1 et seq.) of the decedent is/are as follows:

Name	Relation	[Adult], [Disabled Adult], [Minor] (circle one) *
Name	Relation	[Adult], [Disabled Adult], [Minor] (circle one)
Name	Relation	[Adult], [Disabled Adult], [Minor] (circle one)
Name	Relation	[Adult], [Disabled Adult], [Minor] (circle one)

7. The Court finds that the percentages of dependency for the next of kin identified in paragraph 6 are as follows:

_____	_____	\$ _____
Name	% of dependency	Net Distributable Amount
_____	_____	\$ _____
Name	% of dependency	Net Distributable Amount
_____	_____	\$ _____
Name	% of dependency	Net Distributable Amount
_____	_____	\$ _____
Name	% of dependency	Net Distributable Amount

*If the net amount distributable to either a disabled adult or minor is at or exceeds \$10,000, the disabled adult or minor's share shall only be distributed to a Guardian appointed by the Probate Court.

8. This matter is dismissed with prejudice and without costs.

IT IS ORDERED that the settlement is approved and the Special Administrator is authorized and directed to execute releases upon receipt of the sum offered and to distribute the proceeds in accordance with the provisions of this order.

* [Because the net settlement amount to the minor or disabled adult is at or exceeds \$10,000, it shall be paid only to a Guardian appointed by the Probate Division where the minor or disabled adult resides and this order shall be effective only after entry in the Probate Division of an order approving the bond or other security required to administer the settlement and distribution to the minor or disabled adult] (strike if inapplicable).

The Court shall retain jurisdiction to enforce the terms of the settlement and to adjudicate any liens.

ENTERED:

Dated: _____

Circuit Court Judge

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

<p style="text-align: center;">Plaintiff(s)</p> <p style="text-align: center;">v.</p> <p style="text-align: center;">Defendant(s)</p>	<p>Case No. _____</p>
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SETTLEMENT ORDER

Upon motion of the parties through their attorneys for the entry of an order approving settlement as outlined on Exhibit A, the Court finds as follows:

1. Attached as Exhibit A is the Distribution Summary Worksheet which includes: the Defendant(s) settlement offer(s), the attorney's fees, case expenses, perfected liens, allocation of the settlement proceeds between the Wrongful Death action and the Survival Action (if applicable), and the division of the Wrongful Death next of kin, based on dependency (if applicable).
2. The settlement amount of \$ _____ is fair and reasonable.
3. The attorney(s) for the Plaintiff(s) is entitled to attorney fees in the amount of \$ _____.
4. The attorney(s) for the plaintiff(s) is entitled to reimbursement for expenses in the amount of \$ _____, as detailed on Exhibit A.
5. Liens in the amount of \$ _____ shall be paid from the gross settlement as detailed on Exhibit A.
6. After payment of attorney fees, reimbursement for case expenses, and payment of liens, the net proceeds distributable to the Plaintiff from the action are \$ _____.
7. _____% of the net proceeds of the action are allocated to the Survival action, resulting in \$ _____ that will be distributed to the representative appointed by the Probate Court as an asset of the decedent's estate.
8. _____% of the net proceeds of the action are allocated to the Wrongful Death action, resulting in \$ _____ that will be distributed pursuant to the Court's determination of the next of kin's percentage of dependency. The representative shall distribute this sum as detailed on Exhibit A.
9. In accordance with Cook County Local Rules 6.5 and 12.15, the settlement shall only be paid upon the presentation of an order entered in the Probate Court authorizing the representative to receive the distributable amounts and approving the bond or other security required.
10. For any structured settlement amounts, use the attached Exhibit "B".

11. If no probate estate is opened and only a Wrongful Death Action is pleaded, the settlement proceeds will be distributed to each of the surviving next of kin in the proportion as determined by the division where the appointment was made; however, if the amount distributable to a minor or disabled person is over \$10,000, a probate estate needs to be opened.

ENTERED:

Dated: _____

Circuit Court Judge

**EXHIBIT A
DISTRIBUTION SUMMARY WORKSHEET**

1. Defendant(s)' Settlement Offer(s)

Name	Amount
Total Settlement Offers	

2. Plaintiff's Attorney(s)' Fees

Name	Amount
Total Plaintiff's Attorney(s)' Fees	

3. Case Expenses

	Payee	Purpose	Amount
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
		Total Case Expenses	

4. Liens

Name of Lienholder	Amount
Total Liens to Be Paid	

5. Calculation of Amount Distributable

Settlement Amount		\$
Less: Plaintiff's Attorney(s)' Fees	\$	
Less: Reimbursement of Case Expenses	\$	
Less: Liens Paid	\$	
Amount Distributable		\$

6. Allocation of Amount Distributed

Amount Distributable		\$
Less: Amount Used to Purchase Structured Settlement (See Exhibit B)	\$	
Amount Distributable to Guardian of the Estate		\$

EXHIBIT B
DESCRIPTION OF PROPOSED STRUCTURED SETTLEMENT

Amount Needed to Fund Annuity: _____

Company Issuing Annuity: _____

Rating of Company Issuing Annuity: _____

Name of Company Issuing Rating: _____

Name of Annuitant: _____

Proposed First Annuity Payment will be disbursed on: _____

Proposed Payment Amount: _____

Proposed Frequency of payments: _____

Proposed Final Annuity Payment will be disbursed on: _____

If Annuitant is a Minor, What is the Total Projected Annuity Payments to be Disbursed Prior to the Minor Reaching Majority: _____

***IN NO EVENT SHOULD THE STRUCTURED SETTLEMENT BE PURCHASED PRIOR TO AN ORDER ENTERED IN THE PROBATE DIVISION AUTHORIZING THE GUARDIAN OF ESTATE FOR THE MINOR OR PERSON WITH A DISABILITY TO RECEIVE THE DISTRIBUTABLE AMOUNT AND APPROVING THE BOND OR OTHER SECURITY REQUIRED.**

PROBATE SAMPLE
PETITIONS AND ORDERS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, PROBATE DIVISION

Estate of

No. _____

Minor

PETITION TO SETTLE CAUSE OF ACTION - MINOR'S ESTATE

_____, guardian of the estate of _____, a minor, states under the penalties of perjury:

- 1. The minor has a cause of action against _____ for injury to the minor on _____.
2. The minor sustained injuries fully described on Exhibit A and made a part of this petition.
3. A settlement of \$ _____ has been offered and petitioner recommends that it be accepted.
*4. An order was entered by Judge _____ on _____ Case No. _____, approving the settlement and determining the distribution of the proceeds. (Attach copy of order)
5. The total charges against the proceeds are \$ _____ and are itemized on Exhibit B and made a part of this petition.
6. The balance available for distribution to the minor is \$ _____.
7. Petitioner asks leave to distribute the balance as follows:
*(a) \$ _____ to be deposited in _____ (name of depository) in an account in the name of the minor to be held subject to further order of court and to be released to the minor without further order upon the attainment of majority on _____ (name of depositor)
*(b) \$ _____ to be paid to _____ (name of guardian, parent or relative, stating relationship) _____ for the benefit of the minor.

Petitioner asks leave to settle the cause of action for the sum offered, to distribute the proceeds and to be discharged as guardian.

Atty. No.: _____
Atty. Name: _____
Atty. for Petitioner: _____
Address: _____
City/State/Zip: _____
Telephone: _____
Primary Email: _____

Attorney

*Strike if not applicable

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, PROBATE DIVISION

Estate of

Minor

No.

ORDER TO SETTLE CAUSE OF ACTION - MINOR'S ESTATE

On the verified petition of the guardian to settle a cause of action for injury,

IT IS ORDERED that:

- 1. The cause of action be settled for \$ and, upon receiving that sum, the guardian execute and deliver to the party against whom the cause of action lies a release and discharge from all liability or covenant not to sue on account of the injuries;
2. The guardian distribute the proceeds of the settlement as follows: (Attach additional statements if necessary.)

Table with 3 columns: Name, Description, Amount. Rows include 'To' entries and a '*To' entry with '(name of depository)'.

IN AN ACCOUNT IN THE NAME OF THE MINOR, TO BE HELD SUBJECT TO FURTHER ORDER OF COURT OR TO BE RELEASED TO THE MINOR WITHOUT FURTHER ORDER UPON THE ATTAINMENT OF MAJORITY ON

*To (name of guardian, parent or relative, stating relationship)

for benefit of the minor. Total disbursement \$ (4171)

3. The guardian shall be discharged from further duty and the guardian and the surety on the bond shall be released from further obligation and the estate shall be closed upon the presentation of vouchers of disbursement in accordance with this order on at a.m./p.m., in Room (6133)

4. If the guardian fails to present the report of distribution or vouchers without cause shown, the order approving costs and allowing the attorney's fee shall be vacated and a rule shall issue against the guardian requiring him/her to show cause why he/she should not be adjudged in contempt of court.

Atty. No.:
Name:
Firm Name: ENTERED:
Atty. for Petitioner:
Address:
City/State/Zip Code: Dated:
Telephone: Judge Judge's No.

*Strike if not applicable.

0017 1017 Jury Demand

Petition to Settle Cause of Action - Survival (05/19/25) CCP 0349

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, PROBATE DIVISION**

Case No. _____ Calendar _____

Estate of _____
_____ Deceased

PETITION TO SETTLE CAUSE OF ACTION - SURVIVAL

_____, representative of the estate, on oath states:

1. Petitioner has a cause of action against _____ for causing the death of decedent on _____.
2. A settlement of \$ _____ has been offered and petitioner recommends that it be accepted.
3. An order was entered by Judge _____ in case No. _____ approving the settlement and determining the distribution of the proceeds. (Attach copy of Order.)
4. The total charges against the proceeds in the amount of \$ _____ are listed on **Exhibit A** attached hereto. (Specify to whom, purpose, and amount of each charge)
5. The balance available for distribution is \$ _____ to be paid to the Estate as follows:

Name of Estate	Amount
_____	_____
_____	_____
_____	_____

Petitioner asks leave to settle the cause of action for the sum offered, to pay out the proceeds in accordance with this petition.

Code of Civil Procedure

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 they verily believes the same to be true.

/s/ _____

Atty. No.: _____ Pro Se 99500

Atty Name: _____

Atty. Firm: _____

Atty. for: _____

Address: _____

City: _____

State: _____ Zip: _____

Telephone: _____

Primary Email: _____

Signature

Mariyana T. Spyropoulos, Clerk of the Circuit Court of Cook County, Illinois

cookcountyclerkofcourt.org

4123 Order for Leave to Settle

Cause of Action - Survival

(05/20/25) CCP 0350

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, PROBATE DIVISION**

Case No. _____ Calendar _____

Estate of _____

Deceased

ORDER FOR LEAVE TO SETTLE CAUSE OF ACTION - SURVIVAL

On the verified petition of the representative, it appears to the court that:

(a) Petitioner has a cause of action against _____
for causing the death of the decedent on _____.

(b) Petitioner has recommended that a settlement offer of \$ _____ be accepted.

(d) An order was entered by Judge _____ on _____
in case No. _____ approving the settlement and determining the distribution
of the proceeds.

IT IS ORDERED that:

1. The cause of action be settled for the sum offered and upon receiving the sum offered the
representative execute and deliver to the party against whom the cause of action lies a release
and discharge from all liability or a covenant not to sue on account of the death.

4178 2. The representative pay charges in the amount of \$ _____ from the proceeds of the
settlement as indicated on **Exhibit A** attached hereto, which specifies to whom, the purpose and
the amount of each charge.

3. The representative distributed the balance of \$ _____ to the Estate as follows:

Name of Estate

Amount

Name of Estate	Amount
_____	_____
_____	_____
_____	_____

4139 4. This matter is continued for the presentation of vouchers of disbursement in accordance with
this order on _____ at _____ AM PM in Room _____.

Atty. No.: _____ Pro Se 99500

Atty Name: _____

Atty. Firm: _____

Atty. for: _____

Address: _____

City: _____

State: _____ Zip: _____

Telephone: _____

Primary Email: _____

ENTERED:

Dated: _____

/s/ _____ Judge Judge's No. _____

Mariyana T. Spyropoulos, Clerk of the Circuit Court of Cook County, Illinois
cookcountyclerkofcourt.org

xxx Petition to Settle Cause of Action -
Wrongful Death and Survival Action (05/20/25) CCP 0351 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, PROBATE DIVISION

Case No. _____ Calendar _____

Estate of _____
Deceased

PETITION TO SETTLE CAUSE OF ACTION -
WRONGFUL DEATH AND SURVIVAL ACTION

_____, representative of the estate, on oath states:

1. The estate has a wrongful death and survival cause of action against the _____
_____ for injuries sustained by Decedent on _____.
2. A settlement of \$_____ has been offered, and petitioner recommends that it be accepted.
3. Attached as **Exhibit A** is an order ("Settlement Order") entered by Judge _____
_____ in case number _____,
approving the settlement and determining the distribution of the proceeds.
4. The Settlement Order approved total general charges in the amount of \$_____ to be paid
from the gross settlement proceeds. [The charges to be paid exclusively from Survival
Action proceeds are handled in Paragraph 8.]. See **Exhibit B** for a breakdown of the payee, the
purpose, and the amount of each charge.
5. The amount distributable after the payment of total general charges is \$_____.
6. The Settlement Order provides that the settlement proceeds be allocated:

a.	Amount Allocated to Wrongful Death Action (_____ %)	
b.	Amount Allocated to Survival Action (_____ %)	
c.	Total	

7. The Settlement Order determined each next of kin's proportionate dependency. The attached
Exhibit B reports the name, relationship, Minor/Disabled, proportionate dependency
percentage, and the share of the Wrongful Death distribution for each next of kin based on the
Settlement Order.
8. The Settlement Order approved total charges in the amount of \$_____ to be paid from
the Survival Action proceeds. **Exhibit B** provides a breakdown of the of the payee, the
purpose, and the amount of each charge.

Mariyana T. Spyropoulos, Clerk of the Circuit Court of Cook County, Illinois
cookcountyclerkofcourt.org

Case No. _____

xxxxx Petition to Settle Cause of Action -
Wrongful Death and Survival Action

(05/20/25) CCP 0351 B

9. After the payment of total charges paid from the amount allocated to Survival Action, the net Survival Action proceeds shall be paid to the _____, as Representative of the Estate of _____, Deceased.

The representative asks the court to enter an order that (a) the representative has the authority to settle the estate's claim against the persons or entities for the amount stated, (b) the representative has the authority to receive the distributable amount, (c) the representative's bond or other security is approved, (d) the representative has the authority to pay out distributable amount, and (e) to set the date for presentation of vouchers.

Atty. No.: _____ Pro Se 99500

Atty Name: _____

Atty. Firm: _____

Atty. for: _____

(Petitioner)

Address: _____

Date: _____

City: _____

(Attorney Certification)

State: _____ Zip: _____

Telephone: _____

Primary Email: _____

xxxxx Order to Settle Cause of Action -
Wrongful Death and Survival Action (05/20/25) CCP 0352 A

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, PROBATE DIVISION**

Case No. _____ Calendar _____

Estate of _____

Deceased

**ORDER TO SETTLE CAUSE OF ACTION -
WRONGFUL DEATH AND SURVIVAL ACTION**

On the verified petition of the representative of the estate, it appears to the Court that:

- A. The estate has a wrongful death and survival cause of action against the _____
_____ for injuries sustained by Decedent on _____.
- B. Petitioner has recommended that the settlement offer of \$ _____ be accepted.
- C. An order ("Settlement Order") was entered by Judge _____ on
_____ in case number _____,
approving the settlement and determining the distribution of the proceeds.
- D. Settlement Order provides that the representative shall pay charges in amount of \$ _____
to be paid from the proceeds as indicated on **Exhibit B**.
- E. The amount distributable after the payment of total charges is \$ _____.
- F. Settlement Order provides that the settlement proceeds be allocated _____ % to Wrongful
Death action and _____ % to Survival action. The amount allocated to Wrongful Death
action is \$ _____. The amount allocated to Survival action is \$ _____.
- G. Settlement Order determined each next of kin's proportionate dependency and determined how
the amount allocated to Wrongful Death should be distributed. The name, the relationship, and
the proportionate dependency of each next of kin is reported on **Exhibit C**.

IT IS HEREBY ORDERED THAT:

- 1. The cause of action be settled for the sum offered and upon receiving the sum offered the
representative executed and deliver to the party against whom the cause of action lies a release
and discharge from all liability or a convenient not to sue on account of the death or other
actions arising from the injuries.
- 2. The representative of the estate shall be granted the authority to receive the settlement proceeds
in accordance.
- 3. The representative pay charges in the amount of \$ _____ to be paid from the proceeds as
indicated on **Exhibit B**.

Mariyana T. Spyropoulos, Clerk of the Circuit Court of Cook County, Illinois

cookcountyclerkofcourt.org

Case No. _____

xxx Order to Settle Cause of Action -
Wrongful Death and Survival Action

(05/20/25) CCP 0352 B

4. The Wrongful Death proceeds of \$ _____ shall be distributed in accordance with Exhibit C.
5. The Survival Action proceeds of \$ _____ shall be paid to _____, as Representative of the Estate of _____, Deceased.
6. The representative of estate shall present vouchers evidencing that above disbursements have been made on _____ at _____ AM PM in Room _____.
7. If the proceeds distributable to a minor or person under a legal disability are in excess of \$10,000, no settlement funds shall be disbursed until the Probate Division enters an order authorizing the guardian of the estate for each minor or person with a disability to receive the distributable amount and approving the bond or other security required.

Atty. No.: _____ Pro Se 99500

Atty Name: _____

Atty. Firm: _____

Atty. for: _____

Address: _____

City: _____

State: _____ Zip: _____

Telephone: _____

Primary Email: _____

ENTERED:

Dated: _____

/s/ _____ Judge's No.

Case No. _____

xxxxx Order to Settle Cause of Action -
Wrongful Death and Survival Action

(05/20/25) CCP 0352 C

Exhibit B

	Name	Purpose	Amount

Totals _____

Exhibit C

	Name of Next of Kin	Relationship	Minor (M) Disabled (D)	Percentage of Dependency	Wrongful Death Distribu- tion

Totals _____

Mariyana T. Spyropoulos, Clerk of the Circuit Court of Cook County, Illinois

cookcountyclerkofcourt.org

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - PROBATE DIVISION

Estate of

No. _____

Deceased

PETITION TO SETTLE CAUSE OF ACTION-WRONGFUL DEATH

_____, representative of the estate,
on oath states:

1. Petitioner has a cause of action against _____ for causing the death of decedent on _____.
2. Decedent's next of kin and their proportionate percentages of dependency are set forth on Exhibit A attached thereto. (State name, relationship and percentage of dependency)
3. A settlement of \$ _____ has been offered and petitioner recommends that it be accepted.
- *4. An order was entered by Judge _____ in case No. _____ approving the settlement and determining the distribution of the proceeds. (Attach copy of order)
5. The total charges against the proceeds in the amount of \$ _____ are listed on Exhibit A attached hereto. (Specify to whom, purpose, and amount of each charge)
6. The balance available for distribution is \$ _____ to be paid in accordance with the above percentages of dependency, as follows:

Name

Amount

7. Decedent left no other assets requiring administration.

Petitioner asks leave to settle the cause of action for the sum offered, to pay out the proceeds, and to be discharged as representative.

Petitioner

Signed and sworn before me on this day of _____,

Atty. No. _____

Name: _____

Attorney for Petitioner: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Notary public

*Strike if not applicable

Mariyana T. Spyropoulos, Clerk of the Circuit Court of Cook County, Illinois
cookcountyclerkofcourt.org

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, PROBATE DIVISION

Estate of

No. _____

Deceased

ORDER FOR LEAVE TO SETTLE CAUSE OF ACTION-WRONGFUL DEATH

On the verified petition of the representative, it appears to the court that:

- (a) Petitioner has a cause of action against _____ for causing the death of the decedent on _____, _____.
(b) Decedent's next of kin and their proportionate percentages of dependency are set forth in Exhibit A attached hereto. (State name, relationship and percentage of dependency)
(c) Petitioner has recommended that a settlement offer of \$ _____ be accepted.
*(d) An order was entered by Judge _____ on _____, _____ in Case No. _____ approving the settlement and determining the distribution of the proceeds.

IT IS ORDERED that:

- 1. The cause of action be settled for the sum offered and upon receiving the sum offered the representative execute and deliver to the party against whom the cause of action lies a release and discharge from all liability or a covenant not to sue on account of the death.
2. The representative pay charges in the amount of \$ _____ from the proceeds of the settlement as indicated on Exhibit A attached hereto, which specifies to whom, the purpose and the amount of each charge. 4178
3. The representative distribute the balance of \$ _____ in accordance with the attached percentages of dependency as follows:

Table with 2 columns: Name, Amount. Includes blank lines for entry.

4. This order stands as the representative's final account and the representative shall be discharged, the surety released, and the estate closed upon the presentation of vouchers of disbursement in accordance with this order

on _____, _____ at _____ m. in Room _____ 4139

Atty. No. _____
Name: _____
Attorney for: _____
Address: _____
City/State/Zip: _____
Telephone: _____
ENTER:
Judge Judge's No.

*Strike if not applicable.

Mariyana T. Spyropoulos, Clerk of the Circuit Court of Cook County, Illinois
cookcountyclerkofcourt.org