ARTICLE VI

DOMESTIC RELATIONS PROCEEDINGS

6.0 DEFINITIONS

A. The Local Rules set forth in this Article are promulgated in accordance with the authority conferred in section 802 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/802) and the Code of Civil Procedure (735 ILCS 5/1 *et seq*.).

B. For purposes of the Local Rules under this Section, a Family Court case is defined as any proceeding arising under the provisions of 750 ILCS 5/101 *et seq*., which seeks an order or judgment relating to dissolution of marriage/civil union, declaration of invalidity of marriage/civil union or legal separation, and parentage, including proceedings relating to matters of temporary and permanent support and maintenance, allocation of parental responsibilities and parenting time, Orders of Ne Exeat, or applicable petitions for orders of protection.

6.05 MARRIAGE

A. A petition for an order directing the County Clerk to issue a marriage license as provided in 750 ILCS 5/201 *et seq*. shall be on one of the forms provided by the Clerk, or in a format substantially similar to it.

B. An order granting such petition may be entered on the form provided by the Clerk, or in a format substantially similar to it.

C. The issuance of a marriage license by the County Clerk shall be prima facie evidence of compliance with the statute and may be relied upon by any judge assigned to perform a marriage ceremony.

6.10 SETTING OF CASES ON COURT CALLS

A. All pre-decree motions, including temporary support motions, as well as all post-decree actions, shall be heard by the judge assigned to the Family Court call.

B. Pretrial and trial dates must be obtained from the assigned judge. Hearings which will last less than fifteen (15) minutes may be set on any date when court is in session at 9:00 a.m., subject to approval of the assigned judge. Contested motions or hearings which will last more than fifteen (15) minutes shall be scheduled with the assigned judge's approval.

C. All pending pre-decree cases, and all post-decree cases where the reallocation of parental responsibilities is at issue, must be given future court dates.

D. All matters which are set or continued for hearing shall be individually listed in the Order setting the matter for hearing. Orders which provide for hearing on "all pending matters" or similar language may be stricken by the judge without hearing.

E. Whenever possible and appropriate, all allocation of parental responsibilities and/or parenting time proceedings relating to an individual child shall be conducted by a single judge. Upon written petition before the assigned trial judge in any action for dissolution of marriage or civil union, legal separation,

paternity, probate, or guardianship, where allocation of parental responsibilities and/or parenting time of a minor child is at issue, and after personal consultation between the Family Court judge and the assigned judge in the other proceeding, the case shall be transferred for consolidation and disposition with the Family Court case. In any case pending in the Family Court involving the allocation of parental responsibilities and/or parenting time with a minor child, who is also the subject of a Juvenile Court case, the Family Court judge may stay all or part of the proceedings pending the outcome of the Juvenile Court case.

6.15 ORDERS OF PROTECTION, CIVIL NO CONTACT ORDERS, & NO STALKING ORDERS

A. Petitions for Emergency Orders of Protection/Civil No Contact Orders/No Stalking Orders brought in cases assigned to the Family Court shall be heard by the judge assigned to the existing Family Court case, or such other judge as may be designated by the Presiding Judge. Petitions for Emergency Orders shall be given priority and need not be scheduled on the motion call.

B. All independent civil actions, not brought as part of a dissolution or criminal proceeding, and requests for interim or plenary orders, shall be heard by the judge assigned to the Order of Protection call, or to such other judge as the Presiding Judge shall designate.

C. All Petitions for Emergency Orders brought in cases assigned to the Criminal Courts shall be heard by the judge assigned to the Criminal Court case, or such other judge as may be designated by the Presiding Judge.

D. All Petitions, Findings and Orders of Protection shall be made on approved forms. If there is insufficient space on the forms, an attachment shall be used as a rider to the approved forms.

6.20 RULE TO SHOW CAUSE

Deleted. (Rule 6.20 deleted by General Order 19-1; *effective February 11, 2019.*)

6.25 AFFIDAVITS RELATING TO INCOME AND EXPENSES

A. Every pleading seeking to establish or otherwise affect issues of support or maintenance, whether temporary or permanent in nature shall be accompanied by an Affidavit as to Income and Expenses on a form which is available from the Circuit Court Clerk, or in a format containing the same information.

B. Said affidavit shall be attached to and filed with the initial and responsive pleadings. No affidavit prepared more than sixty (60) days before the date of hearing or pretrial shall be considered valid for purposes of that proceeding unless accompanied by a new affidavit stating that the party offering it represents there has been no substantial change in any of the information since the last affidavit.

C. References in any pleading or order to an “Expense Affidavit” or “Income Affidavit” shall be presumed to refer to the document described herein.

D. Failure by either party to submit the affidavit required hereunder shall be cause for sanctions as the court may deem appropriate including but not limited to the striking of the pleadings of the party not in compliance.

E. Prior to the date of the hearing on any pleading filed under paragraph A, the party filing the affidavit shall supplement the affidavit by attaching the affiant's four (4) most recent pay stubs, or other written evidence of recent earnings from all sources for a period of not less than two (2) months preceding the date of the hearing.

6.30 PROVE-UPS

A. After default on personal service, five (5) days written notice of intent to appear for prove-up shall be given to the respondent at the address where the respondent was served with summons or at the last known residence of the respondent and certificate of such service shall be filed at or prior to the prove-up.

B. Whenever it shall appear from the record or the testimony that there has been some communication and/or agreement between the parties concerning support, allocation of parental responsibilities and/or parenting time, or other material issues, then in such event both parties should appear in open court at the time of the prove-up to acknowledge their agreement. The judge may excuse the presence of the respondent. If the non-moving party fails to appear at the prove-up, the movant or his or her attorney shall serve a copy of the judgment on such party by mail within ten (10) days from the entry of said judgment and shall file a proof of service with the Circuit Court Clerk.

C. No Family Court case will be heard upon its merits earlier than the summons return date or thirty (30) days from the date of filing of a response and/or

appearance without issuance and service of summons. The parties may waive in open court or in writing the thirty (30) day waiting period.

D. It shall be the responsibility of the person seeking to affect the marital status, or his or her attorney, to present to the prove-up judge, in a single package, prior to the commencement of testimony, the documents described in Section 6.30 H below.

E. Court reporter fees shall be paid in full at the time of hearing, unless waived by the judge. An arrangement for the payment of said fees is the responsibility of the attorney representing the party seeking dissolution. Failure to make prompt payment may result in sanctions against said attorney or party. No transcript will be produced until the transcript fee is paid, unless previously waived by the judge, pursuant to a finding of indigency.

F. Matters which are not on the regularly scheduled “prove-up” call, but which are settled and treated as a “prove-up” (such as following a settlement conference or pretrial conference) shall be subject to all of the foregoing rules.

G. Prove-ups shall be scheduled by the Court Administrator or by the judge.

H. Documents required hereunder shall be presented at the time a prove-up date is assigned by the Court Administrator or on or before such date as the Court may order:

1. Fully completed Certificate of Dissolution of Marriage, Invalidity or Legal Separation;

2. Judgment Order;

3. Marital/Civil Union Settlement Agreement;

4. Allocation of Parental Responsibilities (if applicable);

5. Certificate of Completion of Parenting Class (if Parties have minor children);

6. Order of Support (if applicable);

7. Withholding Order (if applicable);

8. QDRO/QILDRO (if applicable);

9. Certificate of Readiness and Order, signed by the Parties and/or counsel.

H. No prove-up may be scheduled without the submission of the foregoing documents, in completed form and signed by the Parties, where applicable. Upon submission of the required documents, the Court Administrator will assign a Prove-up date on the Certificate of Readiness and Order and will present same to a judge for signature signed by a Party (the Parties) and/or counsel. A signature on a Certificate of Readiness constitutes an affirmation to the Court that all matters in controversy have been settled. Presentation of a Certificate of Readiness in violation of this rule may result in sanctions.

I. Failure to comply with the foregoing paragraphs may result in the case being dismissed without prejudice.

6.35 REINSTATEMENT

Reinstatement of a Petition for Dissolution of Marriage may be had within one (1) year from the date of dismissal, if the petitioner files an appropriate notice and

motion and pays the required reinstatement fee. The reinstatement fee may be waived by the judge upon a showing of good cause.

6.40 MAINTENANCE OR SUPPORT PAYMENTS

A. Maintenance or support payments shall be made pursuant to a Support Order using the form available from the Circuit Court Clerk.

B. Support Orders shall be reviewed and approved as to form by the Circuit Court Clerk before the presentation to the judge.

6.45 DISCOVERY RULES IN FAMILY LAW CASES

A. Section 6.45 shall apply to dissolution of marriage/civil union proceedings and legal separation proceedings unless compliance is excused by order of the judge or on motion of a party for good cause shown. The Rule may further apply to actions to establish or declare parentage and to post-decree proceedings for modification or termination of maintenance; modification of child support; education contributions; contribution to medical, dental or psychological expenses; insurance expenses or reimbursement; and all other pleadings raising financial issues; but the Rules shall apply in these cases only upon order of court on motion of either party or on the judge's own motion. These discovery rules do not apply to Joint Simplified Dissolution (750 ILCS 5/451 *et seq*.) or to precipae for summons.

B. Within thirty (30) days of the filing of the defendant's general appearance or responsive pleading in any family law case, each party shall serve upon all parties entitled to notice the completed Comprehensive Financial Statement in the form established by these Rules and each party shall file with the

Circuit Court Clerk within seven (7) days thereafter proof of service, certifying that the Comprehensive Financial Statement has been completed and setting forth the date on which the completed Comprehensive Financial Statement was served upon the opposing party. The Comprehensive Financial Statement shall not be filed with the Circuit Court Clerk.

C. If a party is unable to complete any portion of the required Comprehensive Financial Statement, he shall indicate his inability to do so by indicating an "Unknown" as to each specific item and shall so certify on the last page of the Comprehensive Financial Statement pursuant to 735 ILCS 5/1-109. The parties are required to make every reasonable effort to obtain the information required and, neither party shall withhold records in his control relating to the information sought.

D. All statements of income, assets and debts set forth in the Comprehensive Financial Statement shall be corroborated by written documents to be attached to and made part of the Comprehensive Financial Statement, whenever a party has such documentation, or whenever a party can obtain such documentation upon reasonable effort from other sources.

E. It is the duty of each party and each party's attorney to timely supplement the Comprehensive Financial Statement.

F. No party shall be entitled to serve any requests for discovery on a party until that party has filed the Comprehensive Financial Statement with all corroborating documents.

G. Exhibits, prior orders, or prior pleadings SHALL NOT be attached and filed with the Circuit Clerk unless otherwise required by law, rule, or by leave of Court. Violations of this rule may result in sanctions, including reasonable costs or fees associated with enforcement of this rule and/or, in appropriate cases, the barring of the particular attachment.

6.50 PRETRIAL/ SETTLEMENT CONFERENCES

A. All cases, including post-decree cases, shall be set for pretrial conference before being set for trial.

B. The judge may require a pretrial memorandum to be submitted by each party, containing such information as the judge may specify. The pretrial memorandum, supplemented by a current Affidavit of Income and Expenses, as required by Section 6.25 shall be served upon opposing counsel, or party, and a courtesy copy sent to the assigned judge, no later than five (5) days prior to the scheduled settlement conference.

C. If approved by the Court for good cause shown, cases settled at a settlement conference may proceed to prove-up based on an oral agreement provided it is subject to subsequent filing of a judgment incorporating all the terms of the Agreement.

D. If either party or his attorney fails to appear at a pre-trial/settlement conference, the Court may impose reasonable sanctions on the party and/or the attorney.

6.55 SETTING OF TRIALS

A. Any Order setting the matter for trial shall include a schedule for any further discovery as well as for compliance with Supreme Court Rules.

B. Cases set for trial shall not be continued except for statutory cause shown, pursuant to notice, written motion, affidavit, and order of the trial judge.

C. Counsel shall provide copies of the following information to opposing counsel at least fourteen days prior to commencement of trial:

1. Affidavit of Income and Expenses;

2. A list of anticipated exhibits and witnesses; and

3. A statement of contested issues.

D. If a prove-up or trial date has been set and the petitioner or his attorney fails to appear, the cause may be dismissed for want of prosecution and appropriate sanctions may be imposed.

E. If a trial date has been set and the respondent fails to appear, a finding of default may enter and appropriate sanctions may be imposed for failure to appear. If respondent appears but his attorney fails to appear, no default will enter against the respondent, but sanctions may be imposed for the attorney's failure to appear.

F. If a case set for trial or pretrial is proved-up prior to the date set, Petitioner, or Petitioner's attorney, shall promptly notify the trial judge.

6.60 FAMILY MEDIATION PROGRAM

A. Definitions.

1. “Mediation” is a cooperative process for resolving conflict with the assistance of a trained, neutral third party, whose role is to facilitate communication, to assist the parties in identifying issues needing to be resolved, to explore options, to negotiate acceptable solutions, and to assist in reaching agreement on the issues. Fundamental to the mediation process described herein are principles of cooperation, informality, privacy, confidentiality, self determination, and full disclosure by the parties of relevant information. Mediation under this rule is a means for parties to maintain control of parenting decisions, by resolving for themselves the issues of allocation of parental responsibility, parenting time, relocation, and other non-financial children’s issues. Parties are encouraged to participate in the mediation process by attempting good faith negotiation and resolution of the issues brought to mediation. Mediation under this rule is not to be considered a substitute for independent legal advice. Instead, it is designed to work in partnership with the attorneys and the legal process, by giving the parties the ability to be fully informed of options for resolution of their issues, which would include obtaining legal advice before, during, and after the mediation process.

2. “Impediment to mediation” means any condition, including but not limited to domestic violence or intimidation, substance abuse, child

abuse, mental illness or a cognitive impairment, which hinders the ability of a party to negotiate safely, competently, and in good faith. Pursuant to these rules, the identification of impediments in a case is necessary to determine if mediation should be required, and to insure that only parties having a present, undiminished ability to negotiate are required to participate in mediation.

B. Subject Matter of Mediation. Court required mediation will be limited to disputes involving children, or other non-economic issues relating to the child(ren), either prior to dissolution of a marriage or post-judgment. Mediation may be ordered by the judge for resolving allocation of parental responsibility, parenting time, relocation, or other family law issues such as economic issues only if the parties and their attorneys agree. For mediation of these other issues, the judge shall take into account the qualifications and professional background of the individual mediator appointed.

C. Prerequisite to Mediation. For any county having an established parent education program, the parties referred to mediation by the judge shall complete the parent education program prior to starting mediation or as soon after starting mediation. The mediator shall screen for the identification of cases that may be deemed as inappropriate for mediation under this rule.

D. Qualifications and Requirements of Dissolution Mediators.

1. Any person who meets the following criteria is eligible to serve as a mediator for the purposes of this rule:

a. The applicant has satisfactorily completed a 40 hour divorce mediation training program, approved by the Presiding Judge. In addition, the applicant must have completed training specific to domestic violence, child abuse, substance abuse, and mental illness, which gives the applicant an understanding of the issues related to these impairments and one's ability to negotiate effectively when impacted by one or more of these impairments.

b. The applicant has been awarded a degree in law or a graduate degree in a field that includes the study of psychiatry, psychology, social work, human development, family counseling, or other behavioral science substantially related to marriage and family interpersonal relationships, or a related field otherwise approved by the Presiding Judge of each county, or his/her designee.

c. Member in good standing in the professional organizations of his/her respective disciplines.

d. The applicant shows proof of professional liability insurance which covers the mediation process.

e. The applicant has a minimum of two years of work experience in their discipline or profession, or otherwise supervised by a qualified mediator.

2. All persons meeting the requirements above who are interested in acting as a Court appointed mediator shall provide proof by way of affidavit which is supported by documentation of the aforesaid requirements to the Presiding Judge of each county, or the person designated to receive such material in each county.

3. A periodic list shall be prepared by the Court Administrator of each county, or the person designated by the Presiding Judge to keep such list in each county.

4. A mediator shall participate in six (6) hours of continuing education every two (2) years from programs approved by the judge, relating to family law and/or mediation, and be personally responsible for ongoing professional growth. A mediator is encouraged to join with other mediators and members of related professions to promote mutual professional development.

5. The court mediators may be required from time to time to attend specific training offered or sponsored by the Family Mediation Program, the Bar Associations or other individuals or organizations.

6. A mediator's request to be placed on the Court approved list constitutes an agreement to mediate two (2) pro bono cases, per year, as identified by the judge, within the 23rd Judicial Circuit.

E. Referral Procedure.

1. Upon the judge's order for the parties to participate in mediation, a mediator shall be assigned in accordance with the procedures

pursuant to these rules from the list of qualified mediators prepared and kept by the Court Administrator or the person designated to prepare said list, and a sixty (60) day hearing date shall be set for the status of the mediation process.

2. Judges assigned cases with allocation of parental responsibilities, parenting time, or relocation issues may make the necessary findings to order mediation. The judge may also designate in its order what percentage of the mediation fee should be paid by each party and/or whether the case should be considered a low income case or pro bono assignment.

3. Parties are not obligated to participate in the mediation process until ordered by the judge or agreed to by the parties. The attorneys shall encourage their clients to mediate in good faith, and the parties shall participate in mediation in good faith. After entry of a mediation order by the judge, the absence of a party at a mediation session or the lack of a party's participation in the mediation process may result in sanctions, including reasonable costs to the other party for mediation and/or attorney's fees.

4. If the mediator appointed has any conflict of interest, another mediator shall be appointed by the court from the list. If the mediator appointed on a designated low income case has already met his/her annual requirement for mediating low-income cases or pro bono cases and cannot or does not wish to take another, and informs the judge, the

judge shall appoint another mediator that has not reached the required quota or is willing to take such cases in excess of two (2) cases per year. The Court Administrator of each county, or another designated person, shall keep a record of low income or pro bono cases assigned to each mediator, to ensure fair distribution of these cases to all mediators.

5. By the status date, the mediator shall submit a report to the judge and the parties' attorneys, in the form of a Mediator Report, notifying the judge and the attorneys of information listed in this rule under sub-section K, herein.

F. Conflict of Interest

1. Generally. In order to avoid the appearance of impropriety, a mediator who has represented or has had a professional relationship with either party prior to the mediation may not mediate the dispute unless the prior relationship is fully disclosed to both parties and each party consents in writing to the participation of the mediator notwithstanding the prior relationship. A mediator who is a mental health professional shall not provide counseling or therapy to the parties during the mediation process. An attorney-mediator may not represent either party in any matter during the mediation process or in a dispute between the parties after the mediation process.

2. Imputed Disqualifications. No mediator associated with a law firm or a counseling agency shall mediate a dispute when the mediator

knows or reasonably should know that another attorney or counselor associated with that firm or agency would be prohibited from undertaking the mediation.

3. Exception. A therapist-mediator, who would otherwise be disqualified from mediation as a result of imputed disqualification, may undertake the mediation only under the following circumstances:

   a. There has been full disclosure to both parties about the conflict of interest and the imputed disqualification of the mediator, including the extent to which information is shared by personnel within the agency; and

   b. Both parties consent to the mediation in writing.

G. Exclusionary Rule. The mediator shall be barred from testimony as to confidential mediation issues, and mediation records shall not be subpoenaed in any proceeding except by leave of the judge for good cause shown.

H. Orientation Schedule. At the orientation session, a mediator shall inform the parties of the following:

1. Neither therapy nor marriage counseling are part of the mediator's function.

2. No legal advice will be given by the mediator

3. An attorney-mediator will not act as an attorney for either or both parties and no attorney-client relationship nor attorney- client privilege will apply.

4. The rules pertaining to confidentiality, as outlined in sub paragraph G above.

5. The basis for termination of mediation, as outlined in sub paragraph J below.

6. The proposed resolution of the mediated issues will be documented in a written summary. This summary will form the basis of the formal mediated agreement presented to the judge for approval.

7. Each party shall be strongly encouraged to obtain independent legal counsel to assist and advise him/her throughout the mediation.

8. Legal counsel for either party will not be present at any mediation session without the agreement of the parties and the mediator.

I. The Mediation Process. At the initial session the mediator shall provide the parties with a written agreement outlining the guidelines under which mediation shall occur and the expectations of the parties and mediator. This initial agreement shall include at a minimum, all of the foregoing information in sub paragraph H. Either or both of the parties shall be permitted to consult their respective legal counsel before executing this agreement. The mediator shall assess the ability and willingness of the parties to mediate at the orientation session and throughout the process, and shall advise the parties in the event the case is inappropriate for mediation.

J. Termination of Mediation. The parties shall attend mediation until such time as they shall reach an agreement on the issues or the mediator or the judge suspends or terminates mediation. The mediator shall immediately advise the

judge in writing if he/she suspends or terminates mediation or in the event that either or both parties fail to comply with the terms of this paragraph.

K. Mediation Report.

A mediator may not make a report, assessment, evaluation, recommendation, finding or other communication regarding a mediation to a court, administrative agency, or other authority that may make a ruling on the dispute that is the subject of the mediation, except as to communications which are not privileged pursuant to 710 ILCS 35/6. A mediator may disclose:

1. Whether a settlement was reached, and attendance;
2. A mediation communication as permitted under 710 ILCS 35/6;
3. A mediation communication evidencing abuse, neglect, abandonment, or exploitation of an individual to a public agency responsible for protecting individuals against such mistreatment.

L. Discovery. Only written discovery shall be allowed until mediation is terminated by order of the judge.

M. Payment of Fees. The mediator shall charge an hourly fee to the parties as set by the Presiding Judge of each county, to be shared equally by the parties, unless the judge directs otherwise in an order or otherwise agreed by the parties. This hourly fee shall be paid to the mediator at the time of each session for the time spent in mediation at the session. Along with the hourly fee, the mediator may request an advance deposit of $300.00 to be paid at the first session. Such deposit may be applied to services rendered by the mediator outside of the mediation session, such as telephone

conferences, correspondence, consultation with attorneys or other individuals, preparation of the Mediator Report, and any other work performed by the mediator on behalf of the parties. Any additional fees that exceed the deposit or the fees collected at the time of sessions for services rendered by the mediator shall be paid as required by the mediator. In the event payments are not made as required under this rule, or otherwise agreed to by the mediator and the parties, the mediation process may be suspended by the mediator pending compliance.

6.65 MANDATORY PARENT EDUCATION PROGRAM

A. The 23rd Judicial Circuit has approved a mandatory parent education program. In all cases involving allocation of parental responsibilities, parenting time, or relocation, the parties shall be personally required to attend an approved parent education program by the date of the initial case management conference and prior to entry of a final judgment disposing of the case.

B. Each party's attendance and completion of the parent education program is mandatory and the judge shall not excuse attendance unless the reason is documented in the record and a finding is made that excusing one or both parents from attendance is in the best interests of the children.

C. The program fees for attendance by the parties shall be set by the Presiding Judge of each county.

D. If a party fails to attend and complete the parent education program by the date of the initial case management conference, that party shall be charged

a $50.00 sanction which shall be collected by the Circuit Clerk, prior to scheduling the prove up.

6.70 GUARDIAN AD LITEM, ATTORNEY FOR CHILDREN, AND CHILD'S REPRESENTATIVE

A. The Court Administrator for each county shall maintain a list of approved attorneys qualified to be appointed in allocation of parental responsibilities and parenting time matters covered under Section IX of the Supreme Court Rules as Guardian *ad Litem*, Child Representative, or Attorney for Children.

B. In order to qualify for the approved list, each applicant for the list shall meet the requirements as established in Supreme Court Rules 906, 907, and 908, and shall comply with the following rules:

1. Each attorney must be a licensed attorney for a minimum of three (3) years (or be an associate with a firm which has a qualified attorney practice), must be experienced in the practice of Family Law, must maintain professional liability insurance coverage and must be trained in the representation of children.

2. An attorney who wishes to be considered for appointment as Attorney for a Child, Guardian *ad Litem*, or Child's Representative for allocation of parental responsibilities, parenting time or relocation in Family Court shall make application to the Presiding Judge of each county. The Court Administrator for each county shall send a notice to renew on or before April 1 of each year. An attorney's renewal shall be made on or before May 30 of each year.

C. In the event that the judge deems it is in the best interests of the child or children to have a Guardian *ad Litem*, Child's Representative or an Attorney for the Children appointed in a proceeding under Article IX of the Supreme Court Rules, but finds that the parties are both indigent, the judge may appoint an attorney from the approved list to serve pro bono. Each attorney on the approved list shall be required to accept one (1) pro bono appointment each calendar year in the 23rd Circuit.

D. In appointing an Attorney for a Child, Guardian *ad Litem* or Child's Representative for a child, the judge shall consider the experience of the attorney, the complexity and factual circumstances of the case, the recommendations or agreements of the parties, and the geographic location of the child's residence, the parties' residences, and the office location of the Attorney for the Child, the Guardian *ad Litem* or Child's Representative.

E. An Attorney for a Child, Guardian *ad Litem* or Child's Representative shall not be appointed as a mediator in the same case. A Guardian *ad Litem* shall not serve as the Attorney for the child in the same case. The Child's Representative shall not serve as the Attorney for the child or the Guardian *ad Litem* in the same case.

F. Whenever a judge appoints a Child's Representative or a Guardian *ad Litem*, the appointment order shall specify the tasks expected of the Child's Representative or Guardian *ad Litem*. The designated counsel for the parties shall forward a copy of the appointment order within five (5) days of entry

thereof to the Attorney for the Child, the Guardian *ad Litem* and/or the Child's Representative.

G. All Attorneys for the Child, Guardian *ad Litem* and Child's Representative appointments shall be made pursuant to a standardized appointment order. In the appointment order, the judge shall order the parties to pay retainer amounts to the Attorney for the Child, Guardian *ad Litem* or the Child's Representative by a date certain. The Attorney for the Child, Guardian *ad Litem* or the Child's Representative shall submit statements to litigants for services rendered within 90 days of his or her appointment, and every subsequent 90 day period thereafter during the course of his or her appointment. Unless otherwise determined by the judge upon good cause show, both parties shall be jointly and severally liable for the fees and costs of the Attorney for the Child, Guardian *ad Litem* and/or the Child's Representative.

H. The Attorney for the Child, Guardian *ad Litem* or Child's Representative shall, upon retention, file an appearance. The Attorney for the Child, Guardian *ad Litem* or Child's Representative shall be provided copies of all court orders and pleadings. The Attorney for the Child, Guardian *ad Litem* or Child's Representative shall be notified of all court appearances and conferences with the judge and appear unless excused by the judge or by agreement of the parties including the Attorney for the Child, Guardian *ad Litem*, or Child's Representative. Failure to give proper notice to the Attorney for the Child, Guardian *ad Litem* or Child's Representative may result in sanctions

including, but not limited to, the vacating of any resulting court order or judgment. There will be no fee for the filing of an Appearance as a court-appointed Attorney for the Child, Guardian *ad Litem* or Child's Representative.

I. Absent leave of court, the parties' attorneys shall not interview the child(ren) without the prior consent of the Guardian *ad Litem*. Either the Attorney for the Child, Guardian *ad Litem* or Child's Representative, or any of them, shall have the right to be present during any such interview.

J. The Attorney for the Child, Guardian *ad Litem,* and Child's Representative should all take measures to protect the child from harm that may be incurred as a result of the litigation by striving to expedite the proceedings and encouraging settlement in order to reduce trauma that can be caused by litigation.

K. Unless previously discharged, the judge shall discharge the Attorney for the Child, the Guardian *ad Litem* and the Child's Representative at the conclusion of the performance of his duties as ordered pursuant to subparagraphs F and G, above. Unless previously discharged, the final order disposing of the issues resulting in the appointment shall act as a discharge of the court-appointed Attorney for the Child, Guardian *ad Litem* and Child's Representative.

L. At the discretion of the judge, the Guardian *ad Litem* shall submit a written or oral report(s) by a date certain designated by the judge. If the Guardian *ad*

Litem submits a written report, it shall be impounded by the Circuit Clerk and shall not be open to viewing by the public.

M. The attorney for the child shall at all times act as the advocate for the child.

N. Standards relating to Guardians ad Litem

1. During the pretrial stage of a case, the Guardian *ad Litem* should use appropriate procedures to elicit facts which the judge should consider in deciding the case. The Guardian *ad Litem* shall obtain leave of judge to instigate depositions and to file pleadings.

2. At a trial or hearing, the Guardian *ad Litem* shall make the judge aware of all facts which the judge should consider.

3. The Guardian *ad Litem* may be duly sworn as a witness and be subject to examination by all parties.

4. At the discretion of the judge, the Guardian *ad Litem* may be allowed to call and examine witnesses at trial.

O. The Child's Representative shall at all times act in accordance with 750 ILCS 5/506 *et seq.*

6.75 EVALUATION FOR ALLOCATION OF PARENTAL RESPONSIBILITY

A. Authorization. Pursuant to the Court's inherent powers to protect and act in the best interests of the children under the Illinois Marriage and Dissolution Act, the Court may order an evaluation of the parties in any pre or post-decree contested issue of allocation of parental responsibilities, parenting time, relocation or any other non-economic issue. Such Court ordered evaluations are authorized under the following provisions:

1. 750 ILCS 5/604.10(b);
2. 750 ILCS 5/604.10(c);
3. 750 ILCS 5/602.5;
4. 750 ILCS 5/602.7;
5. 750 ILCS5/602.8; and any other statutes as may be added or amended in time.

B. Establishment of 604.10 Witness Certification. The 23rd Judicial Circuit may establish a 604(b) Witness List of certified custody evaluators, each of whom may be appointed from time to time to serve in the Court ordered 604.10(b) witness program, under the direction and at the discretion of the Presiding Judge of each county. All 604.10(b) evaluators shall be subject to the following rules.

1. Applicants. Applicants for the program must file the required application with supporting documentation and meet the following minimum criteria:
    a. Academic. Applicants must possess one of the following degrees or licenses in current good standing: Ph.D; Psy.D; LCSW; LCPC; MD; Master's Degree in a mental health field; and possess the requisite active practice licenses required by the State of Illinois;
    b. Professional. Applicants must have completed five (5) years of post licensure practice. Practice must include education or training in the following areas of child welfare: child

development, domestic violence, physical/sexual abuse, and substance abuse;

c. Applicants must have the availability to conduct evaluations within a reasonable distance of DeKalb or Kendall County;

d. Experience. Post licensure practice must include no less than two (2) years experience in two (2) or more of the following areas: families in distress, child or family experience and domestic violence; and

e. Applicants must be available to accept one (1) pro bono assignment annually.

2. Certification.

a. The roster of 604.10(b) evaluators shall be maintained by Court Administrator of each county. The Presiding Judge of each county or his designee shall review each application to determine if the applicants possess the required educational background and experience to qualify as an Evaluator for Allocation of Parental Responsibility.

b. An approved Evaluator has the affirmative duty to inform the Presiding Judge of each county of any change in their licensure or any formal discipline. Continued certification as an Evaluator for Allocation of Parental Responsibility is at the discretion of the Presiding Judge of each county, which may

include but is not limited to a review of compliance with rules for evaluations as well as timeliness of reports.

c. The Presiding Judge of each county has the discretion to remove an Evaluator from the approved list at any time.

3. Procedure

The 23rd Judicial Circuit shall develop and maintain a standard 604.10(b) Witness Appointment Order. Said order shall specify the issues or questions upon which the expert opinion is sought; and shall address the statutory factors set forth in Section 602; and contain a section directing the evaluator to perform specific acts, including (or excluding) but not limited to: tests, collateral interviews, certain investigative actions, and the like.