

SERIES 100. RESERVED

SERIES 200. RESERVED

SERIES 300. FAMILY COURT RULES

1. **Definition.** Matrimonial and family cases are defined as any proceedings for an order, judgment or decree relating to dissolution of marriage, parentage, separate maintenance or declaration of invalidity of marriage including proceedings concerning such matters as temporary support, maintenance, child custody or support.
2. **Dissolution Venue.** In any case brought pursuant to the Illinois Marriage and Dissolution of Marriage Act where neither petitioner nor respondent resides in the county; where the initial pleading is filed, counsel for the petitioner shall file with said pleading a written motion, which shall be set for hearing and ruled upon before any other issue is taken up, advising that the forum selected is not one of proper venue and seeking an appropriate order from the court allowing a waiver of the venue requirements of the Marriage and Dissolution of Marriage Act, 750 ILCS 5/104.

RULE 301. FILING AND APPEARANCE REQUIREMENTS

1. **Form of Summons.**
 - a. A summons requiring appearance within 30 days after service as set forth in Supreme Court Rule 101(d) will be utilized by this court.
 - b. An action for dissolution of marriage or legal separation may be commenced without the petition by filing a praecipe for summons pursuant to the provisions of 750 ILCS 5/411 (b).
 - c. The use of the wrong form of summons shall not affect the jurisdiction of this court.
 - d. Filing of any summons, notice, motion or other document via facsimile, electronic mail or other electronic transmission methods is not allowed.
2. **Child support data sheet.** At the time of the filing of any action that may result in the payment of child support, the party filing the action is required to file a child support data sheet with the Clerk, in a form as provided by the Clerk.
3. **Written Appearance.** If a written appearance, general or special, is filed, copies of the appearance shall be served in the manner required for the service of copies of pleading.
4. **Time to Plead.** A party who appears without having been served with summons is required to plead within the same time as if served with summons on the day he

appears.

- 5. Appearance of Attorney.** An attorney shall file his written appearance or other pleading before he addresses the court unless he is presenting a motion for leave to appear by intervention or otherwise.
- 6. Filing Requirements for Inmates.**
 - a. In all family cases in this circuit in which leave is sought by an inmate of a correctional institution to sue or defend as a poor person, the petition for leave to sue or defend as a poor person shall be accompanied by a copy of the inmate's trust fund ledger indicating all deposits and withdrawals made to the inmate's trust fund account for the six months immediately preceding the submission of the petition.
 - b. The petition shall be accompanied by a remittance payable to the Clerk of the Circuit Court in an amount not to exceed fifty percent of the inmate's average monthly income for six months immediately preceding the filing of the petition, but in no event to exceed the full statutory fee required of all other parties in civil cases. Payment of the balance of the statutory fee shall be postponed pending the entry of a final judgment in such causes as provided by law.
 - c. If an inmate shows good cause why he or she cannot make the partial payment required by this rule, he or she may petition the court to review his or her complaint for the existence of a colorable question of law or fact and the court may for good cause shown, and the establishment of exigent circumstances, excuse pre-payment of fees in their entirety.

RULE 302. MOTIONS

- 1. Motions and Notice Requirements.**
 - a. Every motion shall be filed in the office of the Circuit Clerk, if that office is open, before application to a judge for an order.
 - b. In the absence or unavailability of the judge assigned to the case, any judge may consider an emergency motion and issue an appropriate order in proper cases; subsequent matters relating to the cause in which the petition is filed shall be heard by the judge assigned to the individual case.
 - c. Any pro se motion filed by a party who is represented by counsel, except one that relates to alleged deficiencies in his/her attorney's representation, shall be stricken by the Court.
- 2. Notice of Hearing of Motion.**
 - a. Written notice of the hearing of all motions shall be given by the party requesting

hearing to all other parties. Notice of motion made within a court day of trial shall be given as directed by the Court. Notice for all other motions shall be given in the manner described in Supreme Court Rule 11.

- b. The court may entertain a petition for a temporary restraining order or preliminary injunction, accompanied by affidavit, showing a factual basis for relief as provided in 750 ILCS 5/501 (2). Emergency motions and motions which by law may be made ex parte may, in the discretion of the court, be heard without calling the motion for hearing. Emergency motions shall, so far as possible, be given precedence.
 - c. If a motion is heard without prior notice under this rule, written notice of the hearing of the motion showing the title and number of the action, the name of the judge who heard the motion, date of the hearing, and the order of the court thereof, whether granted or denied, shall be served by the party obtaining the order upon all parties not theretofore found by the court to be in default for failure to plead and proof of service thereof shall be filed with the clerk within two (2) days after the hearing. Notice shall be given in the manner and to the persons described in Supreme Court Rule 11.
 - d. No motion, unless allowed within the discretion of the Court, may be scheduled for hearing less than two (2) court days after the effective date of service as described in Supreme Court Rule 12.
 - e. The notice of hearing shall designate the motion judge, shall show the title and number of the action, and the date and time when the motion will be presented. Notice of motion to be made shall state the nature of the motion. A copy of any written motion and of all papers presented or a statement that they previously have been served shall be served with the notice.
3. **Temporary child support and maintenance.** In the discretion of the trial judge, matters of temporary child support and maintenance may be addressed by financial affidavit only. Any order of temporary child support or maintenance entered prior to the completion of discovery shall be without prejudice as to the amount and the effective date of support.
 4. **Failure to Call Motion to Hearing.** The burden of calling for hearing any motion previously filed is on the party making the motion. The court may at anytime on its own motion set any such motion for hearing. If any such motion is not called for hearing within ninety (90) days from the date it is filed, the court may strike the motion without notice.
 5. **Withdrawal of Attorney.** Withdrawal or substitution of attorney and notices relating thereto shall be governed by Supreme Court Rule 13.
 6. **Written Orders.** All orders presented to the court for entry shall demonstrate proof of

service upon all opposing parties in compliance with Supreme Court Rule 11.

7. **Acknowledgment.** An attorney, member of his firm, or employee may not acknowledge a pleading or an entry of appearance of an opposing party.

RULE 303. DISCOVERY – INTERROGATORIES, REQUESTS FOR PRODUCTION AND DEPOSITIONS.

1. **Service.** In all family matters an original request for discovery (including interrogatories and requests for production) shall be made by serving such request upon the party or parties upon whom they are directed. A copy of the request shall not be filed with the Circuit Clerk.
2. **Proof of Service.** Proof of service of any request for discovery shall be made by certification of counsel briefly describing the request made, together with proof of service on the party to whom they were directed.
3. **Certification of Service.** Certification shall be filed with the clerk of the circuit court. If identical requests are made of multiple parties, they may be included in one certification.
4. **Certification of Compliance.** Proof of compliance with requests for discovery in all family matters (including interrogatories and requests for production) shall be made by filing with the Circuit Clerk the certification of counsel showing that compliance has been accomplished. The certification shall include a description of the documents filed with reference to the request made. The documents supplied in the response to discovery requests shall not be filed with the clerk of the circuit court.
5. **Filing.** The Circuit Clerk is directed to refuse to accept any papers that are ordered not to be filed by this order.
6. **Objections.** Whenever any party has objection to any requests, or seeks to enforce compliance with any request or otherwise addresses a motion to the sufficiency of a response, he shall attach to his motion and file with the Circuit Clerk, a copy of all relevant discovery in order that the court may properly consider the motion.
7. **Resolution of Discovery Differences.** Prior to filing any objection to any requests or filing a motion to enforce compliance with any request, the party so filing is required to file with the objection or motion a certificate that states that counsel have been unable to resolve discovery differences after personal consultation and reasonable attempts to resolve differences have been unable to reach an accord or that opposing counsel has made himself or herself unavailable for personal consultation or was unreasonable in attempts to resolve differences, as required by Supreme Court Rule 201 (k).
8. **Weekend Depositions.** Unless otherwise agreed by the parties or ordered by the court, depositions shall not be taken on Saturdays, Sundays or court holidays.

9. **Non-party Discovery.** Notwithstanding the foregoing, a copy of any discovery request served upon a non-party, including subpoenas for deposition for documents only, shall be filed with the clerk and served upon the opposing party in accord with Supreme Court Rule 104 (b).
10. **Subpoena for Medical Records.** Any discovery request served upon a provider of mental health services may be made only with leave of court, upon written order to be attached to the discovery request, and returnable in open court for *in camera* review by the court for a determination of whether the documents may be produced.
11. **Supreme Court Rule 237 (b).** Supreme Court Rule 237(b) now provides that the only documents which can be requested at trial are the originals of those documents previously produced in discovery, however this limitation is deemed inapplicable to requiring production of the following documents for temporary relief hearings in Domestic Relations (D) and Family (F) cases: 1) a party's most recently filed federal and state income tax returns with all attachments including W-2 forms; 2) a party's wage statements for the prior two months or the most recent wage statements from all employers if said statements provide year-to-date gross and net wage information; 3) a party's financial statements, profit and loss statements and balance sheet statements, if applicable. Documents produced must comply with local rules unless ordered otherwise.

RULE 304. CASE MANAGEMENT

1. **Initial Case Management Conference.** An initial case management conference pursuant to Supreme Court Rule 218 shall be held not later than 90 days after service of the petition or complaint is obtained.
2. **Scheduling Initial Case Management Conference.** It is the responsibility of the moving party to set the initial case management conference before the judge to whom the case has been assigned.
3. **Affidavit of parties.** In all proceedings involving petitions for attorney's fees, court costs, maintenance, support and/or custody of children and modification of any previous orders relating thereto, an affidavit of the parties showing, at a minimum, current income and debts, assets and liabilities, in a manner that substantially conforms to **Appendix A** to these rules, shall be filed with the clerk at or before the initial case management conference, except for good cause shown.
 - a. Counsel may provide a courtesy copy to the judge assigned to the case prior to any hearing. No other financial records may be filed with the clerk. Any financial document, bank record or affidavit of income and expenses offered and received as an exhibit shall be considered impounded, unless the court orders otherwise.
 - b. The party presenting an affidavit pursuant to this rule is under an affirmative duty

to seasonably update the affidavit. No affidavit may be filed with the court or counsel if executed more than 14 days prior to the date of any hearing in which said affidavit is tendered.

4. **Issues at Initial Case Management Conference.** In addition to other matters the court may choose to address, the initial case management conference shall cover the following issues:
 - a. **Parenting education.** The parents shall show proof of completion of an approved parenting education program as required by Supreme Court Rule 924, provide a fixed schedule for compliance, or show cause to excuse compliance.
 - b. **Custody and parenting plan.** The parents shall provide the court with an agreed order regarding custody and an agreed parenting plan, if there is an agreement. Unless otherwise approved by the court, the parenting plan shall comply, at a minimum, with the model custody parenting order as set forth in **Appendix B** to these rules.
 - c. **Mediation.** If there is no agreement regarding custody or a parenting plan or both, the court shall schedule the matter for mediation in accordance with Supreme Court Rule 905 (b) and shall advise each of the parties of the responsibilities imposed upon them by local rule.
5. **Costs of Mediation.** At the initial case management conference, the parties may apply to the court for a determination of their ability to contribute to the cost of mediation.
 - a. The application for a determination of ability to contribute to the cost of mediation shall be referred to a mediation coordinator designated by the presiding judge of each county, or, in the case of Sangamon County, the division chief of the family division.
 - b. Each application shall be accompanied by a financial affidavit, in a form consistent with the financial affidavit set forth in **Appendix C** to these rules.
 - c. Within two business days of receipt of the application, the judge assigned to the case shall make a determination of the financial ability of each of the parties to contribute to the cost of mediation.
 - d. Upon the court's determination of the financial ability of each party to contribute to the cost of mediation, the mediation coordinator shall refer the parties to a mediator who has been approved by the court, and who has agreed to provide mediation services for the compensation the court has ordered.
6. **Custody Evaluations.** Motions that seek an evaluation of a child's interests pursuant to 750 ILCS 5/604.5 or an investigation and report concerning custodial arrangements pursuant to 750 ILCS 5/605 shall be made at the earliest practical opportunity.

- a. Unless otherwise permitted by the court, neither counsel may engage in *ex parte* communications with a court-appointed evaluator.
 - b. Unless both parties otherwise agree, neither party may present a child for a mental health, custody or visitation evaluation for purposes of family litigation without prior leave of court.
7. **Initial Case Management Order.** At the conclusion of the initial case management conference, the parties shall submit to the court a completed initial case management order in a form consistent with **Appendix D** to these rules, which shall provide, at a minimum, the following:
- a. The status of the parties;
 - b. Parenting class compliance;
 - c. The temporary residential status of the children of the parties;
 - d. Any temporary agreements with regard to child support;
 - e. Whether child custody or visitation is at issue;
 - f. Mediation;
 - g. Discovery issues;
 - h. A date and time for the next case management conference.
8. **Monitoring of Mediation.** The court shall monitor each party's participation in mediation through the use of status reports to certify participation, which status reports are to be submitted to the court no less than 30 days after the initial case management conference.
9. **Appointment of Counsel for Children.** A case management conference shall be held not later than 30 days after mediation has been completed. In addition to other matters, the court may choose to address at the conference the following matters:
- a. If the court has not previously appointed counsel, whether to appoint an attorney for the child, a child representative or a *guardian ad litem*, in accord with the provisions of the Marriage and Dissolution of Marriage Act, 750 ILCS 5/506;
 - b. Whether to order an evaluation of the child's best interests pursuant to the provisions of the Marriage and Dissolution of Marriage Act, 750 ILCS 5/604.5 and/or 750 ILCS 605.

RULE 305. TRIAL AND POST TRIAL MATTERS

1. **Final Pre-trial Conference** Prior to the commencement of trial, the parties shall present to the court a final pre-trial memorandum, which includes, at a minimum, the following, in a form that substantially complies with **Appendix E**.
 - a. The name, address, date of birth and current employment of each party;
 - b. The name, date of birth and school and/or child care facility for each child;
 - c. Agreements between the parties;
 - d. The issues presented to the court by each party;
 - e. Any stipulations agreed to by the parties;
 - f. A list of potential witnesses;
 - g. A list of potential trial exhibits;
 - h. A list of assets, including the proposed value to be assigned to each asset;
 - i. A list of household goods and related personal property at issue, including the proposed value to be assigned to the property;
 - j. A list of debts, both as to current balance and minimum monthly payment;
 - k. A list of property and debts that are claimed to be non-marital and a brief statement of the basis for the claim;
 - l. Proposed resolution regarding custody and visitation;
 - m. Proposed calculations of net income, child support and/or maintenance;
 - n. An itemized proposed distribution of property and debts;
 - o. Attorneys fees and costs of litigation;
 - p. Child representative/GAL fees;
 - q. Other issues not previously mentioned.
2. **In camera interviews of minor children.**
 - a. Interviews. Pursuant to 750 ILCS 5/604 (a), the court may interview the child in chambers to ascertain the child's wishes as to his custodian and as to visitation.

Counsel shall be present at the interview unless otherwise agreed upon by the parties. The court shall cause a court reporter to be present who shall make a complete record of the interview instantaneously to be part of the record in the case.

- b. The court may seek the advice of professional personnel, whether or not employed by the court on a regular basis. The advice given shall be in writing and made available by the court to counsel. Counsel may examine, as a witness, any professional personnel consulted by the court, designated as a court's witness.
 - c. All in camera interviews of minor children will be conducted only with prior leave of court. Parties may not bring children to court for the purpose of an in camera interview without prior leave of court. The court will exercise best efforts to schedule in camera interviews of children so that they do not interfere with the child's school day.
3. In the interests of expediting the resolution of child custody and visitation issues, and after a finding that grounds exist for the entry of a judgment of dissolution of marriage, the court may elect, upon motion by either party or the court's own motion, to proceed only as to issues of child custody, visitation and child support, reserving for a subsequent hearing issues involving property and maintenance. Any child custody, visitation or child support order entered pursuant to this paragraph does not constitute a final, appealable order.

RULE 306. FINAL ORDERS INVOLVING CHILDREN

1. Joint custody orders.

- a. All joint custody agreements and orders are required to conform to the requirements of the provisions of 750 ILCS 5/602.1, including, at a minimum, the following:
 - i. Each parent's powers, rights, and responsibilities for the personal care of the child and for major decisions such as education, health care and religious training;
 - ii. A procedure for resolution of changes, disputes and alleged breaches by mediation;
 - iii. A periodic review of the agreement.
- b. Orders which contain language similar to "(T)he parents shall be jointly responsible for decisions concerning the education, health care, and religious training." do not meet the statutory requirements and will be rejected.

2. **Orders of exclusive custody.** Each order of exclusive custody shall contain language or parental responsibilities as set forth in **Appendix F** to these rules, unless otherwise ordered

by the court.

RULE 307. DORMANT CALENDAR

A dormant calendar is hereby established in the Circuit Court of the Seventh Judicial Circuit.

1. **Transfer of Cases.** Any circuit or associate judge may, by order entered in the case on the court's own motion, transfer to the dormant calendar any pending case in which a party is also a party to a bankruptcy proceeding in federal court which causes a stay of proceedings in said cause or in which a party is on active duty in the military service of the United States. Cases transferred to the dormant calendar pursuant to the order shall not be considered as pending cases for statistical purposes.
2. **Reinstatement to Active Calendar.** Upon the removal of such bankruptcy stay or upon such active duty status terminating, any circuit or associate judge shall, by order in the case, transfer said case to the active calendar of the court to be disposed of accordingly and said case shall be considered as a pending case for statistical purposes.

RULE 308. MEDIATION

1. **Certification of Mediators.** Mediators must meet all of the following requirements:
 - a. **Formal Education:** Possess a degree in law or master's or other advanced 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 or other degree program approved by the Chief Judge or his/her designee. If engaged in a licensed discipline, the mediator must maintain said license in full force and effect.
 - b. **Training for family mediators:**
 - i. Complete a specialized training in family mediation consisting of a circuit-approved course of study or certification, to consist of a minimum of 40 hours, in the following areas:
 1. Conflict resolution
 2. Psychological issues in separation, dissolution and family dynamics
 3. Issues and needs of children in dissolution
 4. Mediation process, skills and techniques, and
 5. Screening for and addressing domestic violence, child abuse, substance abuse and mental illness, or
 - ii. Complete a specialized training in family mediation consisting of a circuit-approved course of study or certification taught under the supervision of a university with a degree program in Legal Studies in the areas as set forth in

Section 2.a., to consist of a minimum of 20 hours, with the additional qualifications as follows:

1. Attorneys licensed to practice law with a minimum of five (5) years experience in family law, including a minimum of three cases as lead counsel in a contested child custody proceeding; and
2. Completion of a course for certification as a Child's Representative, consisting of a minimum of 10 hours, pursuant to Supreme Court Rule 905;

c. Minimal Qualifications of Financial Issues Mediators:

- i. **Education.** Must at least hold a Juris Doctor degree and/or as approved by the Chief Judge on a case-by-case basis, or be a Certified Public Accountant, a Certified Financial Planner or some other specialized financial training.
 - ii. **Basic Training.** Complete a specialized training in family mediation, consisting of a course of study approved by the Association for Conflict Resolution (ACR) or otherwise approved by the Court, to consist of at least 40 hours in the following areas:
 1. Conflict resolution;
 2. Psychological issues in separation, dissolution and family dynamics;
 3. Issues and needs of children in dissolution; and
 4. Mediation process and techniques
- d. **Insurance:** A person approved by the circuit to act as a mediator under these rules shall have judicial immunity in the same manner and to the same extent as a judge as provided in Illinois Supreme Court Rule 99. Prior to the establishment of such a program, the Chief Judge of the circuit shall submit to the Supreme Court for its review and approval, through its Administrative Office, rules governing the operation of the circuit's program.
- i. In those cases in which parties submit themselves in writing to mediation pursuant to these rules prior to the entry of a court order directing mediation, including those cases in which an initial pleading has not been filed, the execution by the parties of an agreement to be bound by these rules shall provide the mediator with judicial immunity as provided by these rules.
 - ii. In those instances in which the parties do not agree to submit themselves to these rules, court-approved mediators must secure and maintain professional liability insurance which covers the mediation process and provide evidence of insurance to the Chief Judge annually.

- e. **Continuing Education:** Approved mediators are required to complete ten (10) hours of circuit-approved continuing education every two (2) years of which two (2) hours must cover domestic violence issues and provide evidence of completion to the Chief/Presiding Judge every two (2) years.
- f. **Establishment of List:** The Judicial Circuit shall establish a list of court-approved mediators. All applicants for inclusion on the list shall possess the minimum qualifications set out in this Circuit Rule. The Chief Judge or his/her designee in his/her discretion may require any biographical or other relevant information from an applicant in order to determine the applicant's qualifications for inclusion on the list. For good cause shown, the Chief Judge or his/her designee reserves the right to reject the application of any person who applies and to remove any mediator from the list. Inclusion on the list by the court shall not be considered a warranty that such mediator can successfully mediate any specific dispute.
- g. **Denial/Removal from List:** An applicant denied inclusion on or removed from the court-approved list may appeal the decision in writing within ten (10) days to the Chief Judge or his/her designee. The Chief Judge or his/her designee shall decide the appeal after an opportunity for the applicant or mediator to be heard.
- h. **Pro Bono Requirement:** Each circuit-approved mediator shall agree to mediate reduced fee or pro bono cases as assigned by the Court.

2. **Standards and Procedures for Court Appointed Mediators**

- a. **Definition.** For purposes of these standards and procedures, matrimonial and family mediation is defined as a procedure whereby individuals submit custody, visitation or financial issues disputes to qualified third participants, not to decide the disputes, but to impartially assist the participants to achieve their own fair settlement. While matrimonial and family dispute mediation may be viewed as an alternate means of resolution, it is not a substitute for independent legal advice, full disclosure of relevant facts, and consent which is fully informed in the perspective of local legal norms.
- b. **Subject Matter.** Court-referred mediation will be limited to child custody, visitation or financial issues.
- c. **Initial Advice of Mediators.** At the initial orientation session mediators should minimally advise the mediating participants as follows:
 - i. Neither therapy nor marriage counseling are part of the mediator's function.
 - ii. The participants should not begin divorce mediation unless they are agreed that their marriage is to be dissolved and that they are submitting for

mediation of the disputed issues in connection with child custody, visitation or financial issues.

- iii. The issues to be mediated should be delineated from the outset.
- iv. 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 court for approval.
- v. No legal advice will be given by the mediator.
- vi. An attorney-mediator will not act as attorney for either or both participants and no attorney-client relationship will be formed.
- vii. Each participant is strongly encouraged to obtain independent legal counsel to assist and advise him or her throughout the mediation. Any documents used in the mediation should be available to such counsel.
- viii. If independent legal counsel is not obtained the court must be so advised when the mediated agreement is presented for approval. The participants should be aware that the court may refuse to approve the agreement if it does not meet legal standards.
- ix. The mediation can be suspended or terminated at any time on the request of either participant or on the request of the mediator. The mediator shall suspend or terminate the mediation if it appears that either participant is acting in bad faith, that the best interest of minor children are not being given priority, that either participant does not fully understand the negotiations, or that the prospects of achieving a responsible agreement appear unlikely.
- x. The costs of the mediation must be agreed upon, as well as the method and responsibility for payment.
- xi. The mediator shall not voluntarily disclose any of the information obtained through the process of mediation without the consent of both participants, except when nondisclosure would appear to create a clear and imminent danger to an individual or to society.
- xii. The mediator shall reach an understanding with the participants as to whether the mediator may communicate with either participant or their independent legal counsel or with any third parties to discuss the issues in mediation in the absence of the participants. Any separate communication which does occur should be communicated to the participants at the first opportunity.

- xiii. The mediator should assess the ability and willingness of the participants to mediate at the orientation and throughout the process and shall advise the participants if the prospects of successful mediation appear unlikely.

- d. **Memorandum of Understanding.** At the initial session the mediator should provide the participants with a written statement or memorandum of understanding which includes all of the foregoing information in paragraph 3 and any other provisions which are appropriate. This memorandum should be taken and studied by the participants separately. There should be adequate time allowed for each participant to consult with independent legal counsel before the second session begins. At the second session the mediator should determine whether any modifications of the memorandum are desired. The memorandum as modified should be signed by the participants if they wish to proceed with the mediation. This is not a binding contract but a memorandum of mutual understanding and expectations.

- e. **Attorney-Mediators.** Attorneys who act as mediators shall make it clear to the participants that they are not representing either or both of them and that no attorney-client relationship is being formed with either of them. They may bring impartial legal information to the process and may define legal issues, but they shall not advise either participant so as to direct the participants' decision on a given issue or advocate the individual interests of either participant. The participants must be referred to independent legal counsel for that advice or advocacy. Legal information brought to the mediation process by an attorney who represents neither participant is not a substitute for independent legal counsel. The attorney-mediator may draft the mediated agreement, as a scrivener, if requested to do so by the parties, but may not represent either party before a court in connection with the matter. This paragraph is not to be construed to remove the responsibility of the attorney-mediator from preparing the memorandum of understanding required in Rule 308.2 (p).

- f. **Non-attorney-Mediators.** Any attempt of non-attorney-mediators to interpret law, to advise participants of their legal rights and responsibilities, to direct decisions on issues which require knowledge of the law or to draft the mediated agreement constitutes the illegal practice of law. The mediator has a continuing duty to advise participants of the need for independent legal counsel, and that an agreement reached without independent legal counsel may not be approved by the court if it does not meet legal standards.

- g. **Impartiality of Mediators.** In order to avoid the appearance of impropriety, a mediator who has represented or has had a professional relationship with either participant prior to the mediation may not mediate the dispute unless the prior relationship is disclosed and each participant consents to the mediator notwithstanding the prior relationship. A mediator who is a mental health professional shall not provide counseling or therapy to the participants during the mediation process. An attorney-mediator may not represent either participant in

any matter during the mediation process or in a dispute between the participants after the mediation process. Impartiality is not the same as neutrality in questions of fairness. The mediator should discuss the issues with a concern for fairness throughout the mediation and should avoid unreasonable positions on the part of either participant. The mediator has a duty to communicate to the participants his or her bias on any mediated issue.

- h. **Referrals by Mediators.** While mediators must encourage the participants to obtain independent legal counsel, they shall not refer them to specific attorneys or attempt in any other manner to influence their choice of counsel because such referral relationships may adversely affect the attorney's exercise of independent professional judgment on behalf of the participant and may create the appearance of impropriety. Mediators may, however, encourage the participants to use any attorney referral services provided by bar associations or the courts. Mediators should refer participants to other professionals when appropriate for mental health counseling.
- i. **Mediation Disclosures.** A precondition to any mediated settlement should be a full and complete disclosure of all relevant facts to the same degree as would be expected in the normal discovery process, unless the participants both specifically agree to a lesser disclosure.
- j. **Settlement Criteria and Standards.** The mediator should promote equal understanding by the participants and should refer each of them to independent legal counsel or for expert consultation if their lack of knowledge is impeding the balance of the negotiation. If the mediator is an attorney the participants should be cautioned that the mediator cannot advise them about or serve their individual interests, and that any mediator comments in respect to the law are not a substitute for independent legal advice. The participants shall be advised that while either participant can settle for less or give more on a particular issue with respect to their legal rights and obligations, he or she cannot do so without informed consent which is best achieved with the advice of independent legal counsel. The participants must be advised that an unreasonable agreement may not be approved by the court and that an unconscionable agreement will not be approved by the court.
- k. **The Best Interests of Children.** The mediator has a duty to promote the best interests of children involved in the mediation even when the participants agree to a resolution which is not in the children's best interest. The mediator has a duty to inform the participants where the children's best interest are being overlooked or not given their proper priority.
- l. **The Suspension or Termination of Mediation.** A mediator has a duty to suspend mediation when it appears that either participant is unable or unwilling to reach a reasonable agreement or when the mediator believes a participant does not understand the substance or implications of the agreement. In the event of a

suspension, the mediator may suggest to the participants that either or both are in need of professional consultation outside the mediation process.

A mediator shall terminate mediation when the mediator believes a reasonable agreement cannot be reached, when the mediation process appears to be harmful to either participant, when either participant is acting in bad faith, or when the best interests of minor children are not being given proper priority.

- m. **Sanctions for Failure to Appear.** If any party fails to appear at a duly scheduled mediation conference without good cause, the court, upon motion, may impose sanctions, including an award of mediator and attorney fees and other costs, against the party failing to appear. The mediator shall not be served with a subpoena or called as a witness in a sanction or contempt proceeding.
- n. **The Attorney's Duty When Representing a Party to Mediation.** An attorney has the same duties to the client who is participating in mediation as to the client in any other matter, whether the attorney is engaged before or after a mediated agreement has been reached. Discovery should be employed to the point where the attorney is satisfied that reasonable full disclosure has been achieved, unless the client specifically directs the attorney to the contrary. The client should be advised of all relevant options and alternatives and the ramifications thereof based on the available information. The client should be advised of the potential results of the litigation of a particular issue in order to formulate an informed consent in connection with the mediated agreement. If the agreement for some reason appears unreasonable or unconscionable, the attorney should so advise the client. Where only one or neither participant was represented by independent legal counsel during mediation, the court should be so advised when approval of the mediated agreement is sought.
- o. **Mediation fees.** The mediator should explain the fees for mediation and reach an agreement with the participants for payment at the orientation session. A mediator shall not charge a contingency fee or base the fee in any manner on the outcome of the mediation process. A flat fee for the entire mediation may be charged as agreed at the outset. Hourly rates may be on a sliding scale taking into account the financial means of the participants or the complexity of the subject matter, but once established the rate shall be uniform throughout the process. No bonus should be given or penalty charged in connection with the success or failure of the mediation.
- p. **Reporting Procedure.** Upon the reaching of an informal agreement through the mediation process, the mediator will draft a memorandum of understanding for review by the participants. Upon final review, a copy of this memorandum shall then be sent to each participant and each respective attorney. The attorneys will review the memorandum, give advice and opinions, and draft a formal agreement to submit to the court. The mediator shall submit the court approved report form to the court and to the attorneys following the completion/termination of mediation.

The mediator shall not be called as a witness in any litigation, including juvenile proceedings.

- q. **Inappropriate Referrals.** Couples should not be referred to mediation if there are allegations of child abuse in the petition for dissolution. If it is alleged, or is evident to the Judge that either of the parties suffers severe emotional difficulties or impairment, or that one is chemically dependent, so that he/she is not capable of making or complying with an agreement, mediation should not be attempted.

3. Mediation of custody and visitation issues in matters other than dissolution and paternity cases:

- a. Pursuant to Supreme Court Rule 905(a), in all proceedings initiated under Article II, III or IV of the Juvenile Court Act of 1987, the Uniform Child Custody Jurisdiction and Enforcement Act, the Illinois Domestic Violence Act of 1986 and Article 112A of the Code of Criminal Procedure of 1963, the guardianship matters involving a minor under Article XI of the Probate Act of 1975, where custody and/or visitation of a minor child or children become at issue or on the court's own motion, the court shall enter a Mediation Order unless excused if the court determines an impediment to mediation exists. Custody and/or visitation shall be considered at issue when one of the minor's parents, the minor, a guardian or other interested party files a verified petition disputing the current permanent or temporary custodial or visitation order and the court determines a genuine dispute exists. In the discretion of the presiding judge of each county, the Mediation Order shall substantially conform to **Appendix G** to these rules.
- b. A mediation referral form shall be sent to the mediator within three (3) days of the entry of the Mediation Order, and shall be completed by counsel for the minor or such other party as the court directs. In the discretion of the presiding judge of each county, the Mediation Referral Form shall substantially conform to **Appendix H** to these rules.
- c. Any mediation ordered pursuant to this rule shall be conducted in accordance with the Standards and Procedures for Court-Ordered Mediation of Custody and Visitation Issues and Matrimonial and Family Matters by a mediator whose name appears on the court-approved list of mediators maintained at the office of the Circuit Clerk in accordance with the standards and procedures set forth in **Appendix I**.
- d. The content of all mediation sessions shall be confidential and the mediator(s) shall not be served with a subpoena or called as a witness.

4. Mediation of custody and visitation issues in dissolution and paternity cases.

- a. In any matrimonial and family case involving contested issues of child custody or visitation, either temporary or permanent, and in the absence of an agreement on

custody, visitation or a parenting plan, the court shall enter an Order for Mediation prior to the setting of any contested hearing, except for good cause shown. The Circuit Clerk shall maintain a list of mediators available for all proceedings under Rule 105 and make said list available to the public.

- b. The parties shall send a family mediation referral form to the mediator in all cases within three (3) days of the entry of the Order for Mediation.
- c. Unless otherwise ordered by the Court, the first evaluation conference shall be held within twenty-one (21) days of the Order for Mediation. If both parties have not contacted the mediator to set an evaluation conference within fourteen (14) days of the Order for Mediation, the mediator shall notify the parties, in writing, of the time, date, and location of the mediation.
- d. **Conduct of Mediation.** Any mediation ordered pursuant to the rule shall be conducted in accordance with the Standards and Procedures for Court-Referred Matrimonial and Family Mediation by a mediator whose name appears on the court-approved list of mediators maintained at the office of the Circuit Clerk. The moving party's attorney, or Judge when both parties are pro se, shall be responsible for completion of the Mediation Referral form (**Appendix H**) and for forwarding that form to the mediator(s) selected. See, also, Mediator's Report form (**Appendix I**).
- e. Any person seeking to become a court approved mediator should apply in writing to the Presiding Judge of that County or, for Sangamon County, Chief of the Family Division. The applicant should set forth his/her background and experience in mediation and should show that the Minimum Qualifications of Matrimonial and Family Dispute Mediators are met. Upon approval by the Presiding Judge and/or Chief of the Family Division of an applicant as a mediator, the individual shall be added to the list of approved mediators maintained in the office of the Circuit Clerk.
- f. The Chief Judge of the Seventh Circuit (or designee) shall maintain statistical data on all family mediation proceedings, and report said data to the Administrative Office of Illinois Courts and to the Presiding Judge of the Family Division of each county as required.

5. Conduct of mediation

- a. Upon the issuance of an order for mediation, the parties are to provide to the mediator information requested by the mediator, including but not limited to the following:
 1. The Mediation Order;
 2. Record sheets and all pleadings in the case;
 3. All filed discovery material;

4. Completed pre-mediation questionnaires (containing, among other items, domestic violence-related inquiries);
 5. All settlement conference memoranda filed in the case; and
 6. Current mailing addresses, telephone and FAX numbers for the parties and counsel in the case.
- b. Unless otherwise agreed by the parties, or by leave of court, the parties may not engage in discovery related to custody or visitation issues while mediating said issues. Nothing in these rules shall be construed to limit discovery regarding financial issues while custody or visitation issues are pending.
- c. Prior to the commencement of mediation, the mediator and the parties shall execute a written engagement agreement which shall include, at a minimum, the terms of compensation for the mediator; the anticipated scope of the mediation; the anticipated duration of the mediation; and the scope of the mediator's responsibilities to draft a memorandum of understanding if mediation is successful.
- d. Minor children of the parties may be interviewed or consulted by the mediating judge during the course of mediation. Statements made by such minors to or in the presence of the mediating judge during the course of mediation are deemed confidential and need not be disclosed to the parties and shall not be admissible for any purpose in any litigation involving such minor or minors in any respect.
- e. The mediator may decide, in his or her sole discretion,
 - i. The scope of participation by representatives of the parties during the course of mediation;
 - ii. Whether to interview the minor children of the parties;
 - iii. Whether to seek the appointment of an attorney, child representative or guardian ad litem for the child;
 - iv. Whether to require the parties to undergo parenting classes as a condition precedent to mediation.
- f. The content of all mediation sessions shall be confidential and the mediator(s) shall not be served with a subpoena or called as a witness.
- g. The mediator shall report all instances of child abuse to appropriate authorities as a mandated reporter.
- h. In the event the mediator determines that there is an impediment to mediation, the mediator shall report his or her determination to the court without explanation for the determination. A determination by the mediator of an impediment to mediation presumptively establishes that such an impediment exists.

- i. In the event the mediation is terminated without reaching an agreement, the mediator shall report to the court that the mediation was terminated unsuccessfully, without explanation as to the basis for the termination.
- j. In cases in which the parties appear before the mediator without counsel, upon the termination of mediation, whether with or without an agreement, the mediator is to schedule a case management conference for the pro se litigants with the judge to whom the case is assigned. In cases in which one or both of the parties is represented by counsel, it is the responsibility of counsel to schedule the next case management conference.

6. Judicial Mediation Program (Adopted Pursuant to Illinois Supreme Court Rule 905)

a. Introduction –

i. Judicial mediation is defined and conducted as follows:

1. Judicial mediation is based on full disclosure of all facts related to the disputes so that a fair and equitable agreement can be achieved by the parties.
2. Judicial mediation is based on principles of problem solving which focus on the needs and interests of the participants, fairness, privacy, self-determination, and the best interests of the child or children involved.
3. Judicial mediation is not a substitute for legal advice.
4. Judicial mediation is conducted in indigent cases by a mediation-trained judge of this Judicial Circuit acting as mediating judge as part of such judge's official duties and upon assignment by the Chief Judge of the Circuit following referral of the case by a judge presiding in the subject court proceedings (hereinafter referred to as "the trial judge").

ii. Parties to indigent cases in which mediation is required by Illinois Supreme Court Rule 905 shall not be required to participate in mediation other than judicial mediation.

iii. Judicial mediation includes some ruling on the part of the mediating judge in the court case being mediated, in that while not otherwise presiding in such proceedings, the mediating judge, in addition to submitting a mediator's report to the trial judge, does the following:

1. Rules as to whether or not any agreement reached by the parties pursuant to judicial mediation could reasonably be in the best interest of the minor child or children involved; and
 2. Unless such ruling is made in the negative, prepares, enters and files in the subject case a provisional order which sets forth no findings but which contains as terms of an order of the court all terms and conditions of any agreement reached by the parties pursuant to judicial mediation; and a trial judge charged with determination of the agreed issues may effectuate the agreement of the parties by co-entering the provisional order, or may reject the agreement of the parties and vacate the provisional order if the trial judge (1) finds such agreement to be not in the best interest of such child or children or (2) finds such agreement to be otherwise not in compliance with law.
- iv. The mediating judge may, prior to or during the course of mediation, and for the purpose of successful mediation, discuss a mediation with (1) counsel for any party to the subject case, provided both parties are represented by counsel or (2) for the purpose of enhancing mediation effectiveness in a particular case, any third party not involved with the subject case in any respect provided the mediating judge does not disclose to such third party the identity of any party to the subject case.
 - v. The mediating judge may electronically record those portions of a mediation in which any agreement of the parties is being stated or affirmed, but shall seal and exclusively retain any such recordings upon conclusion of mediation in any assigned case and may destroy any such recordings.
 - vi. No statements made by the mediating judge during or for purposes of a mediation, except for electronic recordings of statements of terms of agreements reached, shall be admissible for any purpose in the subject case or any litigation between the subject parties or their minor children.
 - vii. No statements made to or in the presence of a mediating judge by any person during or for purposes of a meeting shall be admissible for any purpose in the subject case or any litigation between the subject parties or involving their minor children; except that electronic recordings of statements of a party to mediation shall be admissible for the purpose of determination of any issue as to whether or not a provisional order entered by a mediating judge accurately reflects the existence, scope and terms of an agreement pursuant to judicial mediation. Provisional orders shall also be admissible for purpose of such determination.
 - viii. A mediating judge may not be called as a witness in any judicial proceeding with respect to a judicially-mediated case except for the purpose of

authenticating his or her signature to a provisional order or authenticating an electronic recording made by the mediating judge and sought to be admitted for the limited purposes set forth above.

- ix. Judicial mediation is free of charge.
 - x. All confidentiality requirements adopted by the judges of this Circuit pursuant to Illinois Supreme Court Rule 905 for mediation other than judicial mediation and not inconsistent with provisions of this Judicial Mediation circuit rule shall apply to and govern the conduct of judicial mediation pursuant to this rule.
 - xi. The term “indigent cases” as pertaining to qualification for judicial mediation services pursuant to this Circuit Rule is defined in accord with the qualification for filing pleadings *in forma pauperis*.
- b. The Judicial Mediation Program is designed to allow a judge presiding in indigent child custody or visitation proceedings to refer those cases to the Chief Judge for judicial mediation, subject to the procedures and limitations set forth above and below, pursuant to the requirements of Illinois Supreme Court Rule 905. Parties so referred in any such dispute shall be required to attend and fully participate in a mediation process which shall be up to two hours in total length, subject to further provisions below.
- i. Referral Procedure. The Chief Judge of the Circuit or his designee shall identify judges qualified to be mediating judges. Qualified judges shall:
 - ii. Have successfully completed specialized training in family mediation, consisting of a specific course of study of at least 40 hours and including study in the areas of parenting arrangements, emotional issues, effective conflict management, domestic violence and mediation techniques; and
 - iii. In the determination of the Chief Judge, be qualified by the terms of Illinois Supreme Court Rule 908 to conduct child custody proceedings.
- c. At any time after completion of discovery or, in *pro se* cases, after filing of financial affidavits, and after completion by the parties of a pre-mediation questionnaire the form of which shall be approved by the Chief Judge, the trial judge as to an indigent case in which child custody or visitation or removal of a child from Illinois is at issue may, upon request of either party or on the trial judge’s own motion, refer that case for judicial mediation by entry of a Judicial Mediation Order in form to be provided by the Chief Judge; provided, that the trial judge shall, during the 90-day full case management conference in any indigent case in which custody or visitation issues remain contested, enter a Judicial Mediation Order unless such an order has previously been entered. The foregoing provisions notwithstanding, a trial judge may decline to enter a Judicial Mediation

Order in any indigent case in which that judge determines and makes written finding that an impediment to mediation exists.

- d. Upon entry of a Judicial Mediation Order, the Clerk of the court in which the case is pending shall immediately send copies of said order to the Chief Judge and to counsel for represented parties and to all parties whether *pro se* or represented.
- e. Upon receipt of a Judicial Mediation Order by the Chief Judge, the Chief Judge shall assign a mediating judge to conduct judicial mediation in the case, forward to such mediating judge a copy of said order together with notice of assignment in the case, and cause notice of such assignment and the identity of the mediating judge to be transmitted to the Clerk of the court in which the case is pending.
- f. Upon receipt of a notice of assignment of mediating judge, the Clerk shall:
 - i. Immediately mail copies of such notice to counsel and all *pro se* and represented parties in the case; and
 - ii. Mail or fax to the mediating judge copies of the following:
 1. The Judicial Mediation Order;
 2. Record sheets and all pleadings in the case;
 3. All filed discovery material;
 4. Completed pre-mediation questionnaires (containing, among other items, domestic violence-related inquiries);
 5. All settlement conference memoranda filed in the case; and
 6. Current mailing addresses, telephone and FAX numbers for the parties and counsel in the case.
- g. Upon notification of assignment and receipt of case materials from the Clerk, the mediating judge shall examine such materials and preliminarily determine whether or not circumstances exist which, in the judgment of the mediating judge, require recusal of the mediating judge or present an impediment to mediation. If the mediating judge recuses himself or herself from mediation of the case, the Chief Judge or his or her designee shall appoint another qualified judge to conduct judicial mediation in the case. If the mediating judge determines that an impediment to mediation exists, the mediating judge shall make a written finding as such and proceedings in the case shall resume in the trial court without mediation.
- h. The mediating judge shall determine a date, time and location for judicial mediation which, to the extent practicable, will be reasonably convenient for the parties. The setting for such mediation shall be within 30 days after receipt of notice and case materials by the mediating judge. Notice of such setting for mediation shall be given by the mediating judge at least 10 days in advance of the judicial mediation setting by mailed or faxed notice to counsel, unrepresented parties and the Clerk of the court in which the case is pending.

7. Judicial Mediation Procedures

- a. Judicial mediation shall be conducted by the mediating judge with the parties; counsel shall not be present unless directed by the mediating judge to be present. The parties may consult with counsel, as well as minor children of the parties, prior to entering into any agreement. Any such consultation should, whenever practicable, occur prior to the conclusion of the judicial mediation session.
- b. Minor children of the parties may be interviewed or consulted by the mediating judge during the course of mediation. Statements made by such minors to or in the presence of the mediating judge during the course of mediation need not be disclosed to the parties and shall not be admissible for any purpose in any litigation involving such minor or minors in any respect.
- c. The judicial mediation shall be for a period of two hours or until the mediating judge determines that the mediation session is concluded, whichever occurs first; and mediation shall be on such dates, at such times and in such segments as determined by the mediating judge. For good cause, the mediating judge may extend the mediation to exceed [four] hours.
- d. At any time during the judicial mediation, the mediating judge may, by written order or entry, determine that an impediment to mediation exists and terminate judicial mediation; and, in such event, proceedings in the trial court shall resume without mediation.
- e. Judicial mediation shall be limited to the issues of child custody, child visitation, and removal of children from Illinois.
- f. Immediately upon conclusion of judicial mediation pursuant to which no agreement has been reached, or pursuant to which the mediating judge has disapproved all elements of an agreement reached by the parties, the mediating judge shall, by case entry or otherwise, notify the court that judicial mediation in the case has concluded unsuccessfully; and, upon such notification, the Clerk shall set and notify counsel and unrepresented parties of a post-mediation case management conference to be conducted by the trial judge within 30 days after conclusion of judicial mediation.
- g. In cases in which agreement has been reached on all or some qualifying issues and the mediating judge has found that agreement on at least one such issue could reasonably be in the best interest of the child or children, the mediating judge shall, within 21 days after conclusion of a mediation, enter and file in the pending case a provisional order which shall contain the agreed terms and conditions with which the mediating judge has made positive finding and shall also specify issues as to which agreement was either not reached or was not the subject of positive finding by the mediating judge.

- h. While a provisional order shall not be effective until co-entry as provided below, the terms and conditions contained in said order shall be irrevocable by the parties pending action by the referring judge pursuant to the provisions of Paragraph i below; provided, however, that the mediating judge may, in his or her discretion, vacate a provisional order or any portion thereof, and resume judicial mediation for such period as said judge determines, upon the basis of motion and affidavit filed by a mediating party within 21 days after the Clerk's transmittal of such provisional order and asserting evidentiary facts indicating that (1) the affiant misunderstood substantial practical or legal implications of the agreement forming the basis of such order or (2) there exists as to the agreement underlying the provisional order grounds recognized under Illinois law for rescission of a contract.
- i. Upon filing of a provisional order, the Clerk of the Court shall send copies of same to counsel and to all parties whether represented or unrepresented, and shall bring such order to the attention of the trial judge. Upon the passage of 21 days after the transmittal of a provisional order to the parties and in the absence of a motion to vacate such orders, the trial judge shall, with or without further hearing, upon finding that the terms of the provisional order are in the best interest of the minor(s) involved and are otherwise in compliance with law, co-enter such order, in which event it shall become immediately effective; or if said judge is unable to make such findings, that judge shall vacate the order in which case it shall be of no effect and the agreement shall not be enforceable by any party thereto. The trial judge may proceed as in any case to determine issues as to which no agreement has been reached; and the trial judge shall, at the time of entry of findings as to a provisional order, set the case for case management conference to be held within 30 days thereafter and direct the Clerk to notify counsel and unrepresented parties of such setting.

8. Mediation of Financial or Property Issues

- a. In any matrimonial and family case involving contested issues of financial support, distribution of assets, distribution of financial obligations and debt or distribution of property, either temporary or permanent, the court may, at the request of either party or on the court's own motion, enter an Order for Mediation.
- b. A family mediation referral form shall be sent to the mediator in all cases within 3 days of the entry of the Order for Mediation. Unless otherwise ordered by the court, the first evaluation conference shall be held within twenty-one (21) days of the Order for Mediation. If both parties have not contacted the mediator to set an evaluation conference within fourteen (14) days of the Order for Mediation, the mediator shall notify the parties, in writing, of the time, date and location of the mediation.
- c. Any mediation ordered pursuant to this rule shall be conducted in accordance with the Standards and Procedures for Court-Referred Financial Issues Mediation (Rule

308.2) by a mediator whose name appears on the court-approved list of mediators maintained at the office of the Circuit Clerk. The moving party's attorney, or Judge when both parties are pro se, shall be responsible for completion of the Mediation Referral form and for forwarding that form to the mediator(s) selected. See Mediator's Report form.

- d. The content of all mediation sessions shall be confidential and the mediator(s) shall not be served with a subpoena or called as a witness.
- e. Any person seeking to become a mediator should apply in writing to the Presiding Judge of that County or in Sangamon, Chief of the Family Division. The applicant should set forth his/her background and experience in mediation and should show that the Minimum Qualifications of Mediators are met. Upon approval by the Chief Judge of an applicant as a mediator, the individual shall be added to the list of approved financial/property mediators maintained in the office of the Circuit Clerk.
- f. The Chief Judge of the Seventh Circuit (or designee) shall maintain statistical data on all family mediation proceedings, and report said data to the Administrative Office of Illinois Courts and the presiding Judge of the Family Division of each county as required.

RULE 309. COORDINATION OF CHILD CUSTODY PROCEEDINGS. In accordance with Supreme Court Rule 903, whenever possible and appropriate, all child custody proceedings relating to an individual child shall be conducted by a single judge. Whenever a child custody proceeding (as defined in Supreme Court Rule 900) is filed, and there is a child custody matter already pending before another judge involving the same child, the judges involved shall confer as often as needed and jointly determine which court(s) shall control and hear said issues and shall consider the impact of such orders on siblings, relatives and parties in each case as well as whether consolidation of such cases may be impracticable because of the arrangement of courtrooms, facilities and assignment of auxiliary court personnel.

RULE 310. ATTORNEY QUALIFICATIONS IN CHILD CUSTODY AND VISITATION MATTERS. Counsel who are appointed by the court to participate in child custody and visitation matters must possess the ability, knowledge, and experience to do so in a competent and professional manner. Attorneys appointed by the court to represent children in child custody cases and guardianship cases when custody and visitation is an issue shall have the following minimum qualifications:

1. Be licensed and in good standing with the Illinois Supreme Court.
2. 10 hours in the two years prior to the date the attorney is appointed in approved continuing legal education courses in the area of child development, roles of *guardian ad litem* and child representative, ethics in child custody cases, relevant substantive State, federal, and case law in custody and visitation matters, family dynamics, including substance abuse, domestic abuse, and mental health issues.

3. One pro bono representation in the year prior to the appointment.
4. Attorneys seeking appointment in child custody and visitation cases shall apply in writing to the Presiding Judge of each county or, for Sangamon County, Chief of the Family Division. The applicant should set forth his/her qualifications as set forth above. A list of Attorneys so qualified shall be maintained by individual counties.
5. To remain on the approved list, each attorney shall attend continuing legal education courses consisting of at least ten (10) hours every two year period and submit verification of attendance to the Office of the Chief Judge, or, for Sangamon County, the Chief of the Family Division at the time of attendance or upon request. The ten hours should include courses in child development; ethics in child custody cases; relevant substantive law in custody, guardianship and visitation issues; domestic violence; family dynamics, including substance abuse and mental health issues; and education on the roles and responsibilities of guardians ad litem, child representatives, and attorneys for child. Attendance at relevant programs sponsored by this Circuit may be included as a portion of this continuing education requirement

RULE 311. FORM RELATING TO DISSOLUTION OF MARRIAGE AND ESTABLISHING A PARENT/CHILD RELATIONSHIP.

1. **Joint Simplified Petition for Dissolution of Marriage and Judgment.** Pursuant to 750 ILCS 5/452, the Clerk of the Circuit Court shall provide forms at the request of parties desiring to file a Petition for Joint Simplified Dissolution of Marriage. The form of the Petition for Joint Simplified Dissolution of Marriage shall be as set forth in **Appendix J**. The form of the Joint Simplified Judgment of Dissolution of Marriage shall be as set forth in **Appendix K**. The Circuit Clerk also may make available a brochure that describes the requirements, nature, and effect of a simplified dissolution.
2. **Model Petition for Dissolution of Marriage.** The Clerk of the Circuit Court may make available, with leave of the presiding judge of that county, a form Petition for Dissolution Marriage. That form is to be consistent with a Petition for Dissolution of Marriage as set forth in **Appendix J**.
3. **Model Judgment of Dissolution of Marriage, without children.** The Clerk of the Circuit Court may make available, with leave of the presiding judge of that county, a form Judgment of Dissolution of Marriage for those instances in which no children were born to a marriage as set forth in **Appendix K**. The use of the form made available by the Clerk shall not excuse an individual from filing pleadings and proceeding in conformity with 750 ILCS 5/101 et seq.
4. **Model Judgment of Dissolution of Marriage, with children.** The Clerk of the Circuit Court may make available, with leave of the presiding judge of that county, a sample form judgment of dissolution of marriage, with minor children, as set forth in **Appendix L**. The contents of the form petition shall comply with the provisions of 750 ILCS 5/403. The use of the form made available by the Clerk shall not excuse an individual from

filing pleadings and proceeding in conformity with 750 ILCS 5/101 et seq.

5. **Model Judgment of Dissolution of Marriage by publication.** The Clerk of the Circuit Court may make available, with leave of the presiding judge of the county, a form Judgment of Dissolution of Marriage, as set forth in **Appendix M**. The use of the form made available by the Clerk shall not excuse an individual from filing pleadings and proceeding in conformity with 750 ILCS 5/101 et seq.
6. **Model Petition for Order of Parentage and Model Order of Parentage.** The Clerk of the Circuit Court may make available, with leave of the presiding judge of that county, a form Petition to Establish Parentage. If, the Clerk makes such a sample petition available, the sample Petition to Establish Parentage, shall be as set forth in **Appendix N**, and a sample Order Establishing Parentage, may be made available as set forth in **Appendix O**. The contents of the form petition shall comply with the provisions of 750 ILCS 45/1 et seq. The use of the form made available by the Clerk shall not excuse an individual from filing pleadings and proceeding in conformity with 750 ILCS 45/1 et seq.
7. **Provision of Forms.** The Clerks of the Circuit Court of the Seventh Judicial Circuit shall provide only such forms in dissolution cases specifically authorized by Statute, Supreme Court Rule, Administrative Order, or are approved for use by the resident Circuit Judge in Greene, Jersey, Macoupin, Morgan, Sangamon and Scott Counties, or the Presiding Judge of the Family Division of Sangamon County.

RULE 312. IMPLEMENTATION OF RULES

The presiding judge of each county may, by Administrative Rule, opt out of any of the Rules set forth herein, except to the extent that the Rule is required by statute or Supreme Court Rule.

Appendixes

- A. Financial affidavit**
- B. Custody and parenting plan**
- C. Mediation financial affidavit**
- D. Initial case management form**
- E. Final pre-trial conference form**
- F. Model order of exclusive custody**
- G. Mediation order**
- H. Mediation referral form**
- I. Mediator's report form**
- J. Petition for dissolution of marriage**
- K. Model judgment of dissolution of marriage, without children**
- L. Model judgment of dissolution of marriage, with children.**
- M. Model judgment of dissolution of marriage by publication**
- N. Model petition to establish parent/child relationship**
- O. Model order establishing parent/child relationship**