

COPY

**AN ORDER
PROVIDING FOR
AN AMENDMENT TO THE RULES OF PRACTICE OF
THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT,
McHENRY COUNTY, ILLINOIS PERTAINING TO FAMILY LAW and FAMILY
DIVISION MEDIATION**

Part 11 of the Rules of Practice of the Circuit Court of the Twenty-Second Judicial Circuit is hereby amended as follows:

FILED
SEP 19 2016

KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

Rule 11.02(a) is hereby amended to read as follows:

- (a) Every pleading seeking to establish or otherwise affect issues of support or maintenance, whether temporary or permanent in nature, other than the Petition for Dissolution of Marriage, shall be accompanied by an affidavit as to income and expenses in the form approved by the Illinois Supreme Court. The Financial Affidavit shall be supported by documentary evidence including, but not limited to, income tax returns, pay stubs and banking statements. Unless otherwise ordered by the Court, the Financial Affidavit shall be filed with the Clerk of the Court and shall become part of the public record. The tax returns, paystubs and any other supporting documentary evidence, unless otherwise ordered by the Court, shall not be filed with the Clerk of the Court and shall not be made part of the public record.

Rule 11.02(b) is hereby amended to read as follows:

- (b) Said affidavit shall be served on the opposing party within two (2) business days of the filing of the initial and responsive pleadings. No affidavit dated more than sixty (60) days before the scheduled hearing date or pre-trial shall be considered valid for the purpose of that proceeding unless accompanied by a new affidavit stating that the party offering it represents that there has been no substantial change in any of the information since the original affidavit was prepared.

11.02(d) is hereby amended to read as follows:

- (d) At least seven (7) days prior to the hearing, each party shall produce, and provide to the Court assigned to hear the matter, a courtesy copy of the Financial Affidavit and the following financial documents:
 - i). the party's last three (3) pay stubs;
 - ii). the party's last two (2) filed federal income tax returns;
 - iii). an index of any other documentary evidence submitted in support of the Financial Affidavit. The index shall describe the documentary evidence with specificity

and shall identify the number of pages of each document (e.g. bank statements from XYZ Bank for the month of January, 2016).

Unless specifically requested by the Court, other than the information specified in (i), (ii) and (iii) above, no other supporting documentary evidence shall be submitted to the Judge assigned to hear the matter.

The following sections of Rule 11.04 are hereby amended to read as follows:

- a) The 22nd Judicial Circuit recognizes the importance of appointing qualified attorneys to represent the interests of dependent or minor children in allocation of parental responsibility and parenting time cases, as defined by Statute and Rules of the Illinois Supreme Court.
- b) The Chief Judge of this Circuit shall maintain and disseminate to the trial courts of this Circuit a list of attorneys who have applied for and agreed to accept appointment, have met the necessary qualifications and requirements, and have been approved by this Circuit for court appointments to allocation of parental responsibility and parenting time cases.
- c) 1. ...
 2. The applicant must advise the Court of his or her past experience, within the five years next preceding the application, concerning contested allocation of parental responsibility and parenting time cases, as defined by Statute and Supreme Court rule. The Court may inquire or solicit the opinions of other court appointed children's counsel of this Circuit, other attorneys, bar associations and court personnel in ruling upon the acceptance of any applications.
 3. The applicant must have completed, or agree to complete within two years of the adoption of these rules, at least ten hours of approved continuing legal education courses in the following areas: roles of guardian *ad litem* and child representative, ethics in parental responsibility allocation cases, relevant substantive state or federal case law in parental responsibility allocation and parenting time issues, family dynamics, including substance abuse, domestic violence and abuse, and mental health issues, and related, approved training sessions presented and approved by this Court or by state or local bar associations. Attorneys who work for government or non-profit family or legal aid agencies may meet the requirements of this rule by attending appropriate in-house legal education classes.

Rule 11.05 is hereby amended to read as follows:

Local procedures for conciliation, mediation, advice to the Court, investigations and reports as authorized under 750 ILCS 5/404 and 5/604.10 may be implemented by court rule or by administrative order of the Chief Judge of this Circuit.

Rule 11.06(a) 4 is hereby amended to read as follows:

4. The status of allocation of parental responsibility and mediation, at which time the parties shall provide the Court with an agreed order regarding the allocation of parental responsibility and an agreed parenting plan, if there is an agreement, or if there is no agreement regarding the allocation of parental responsibility or a parenting plan or both, the Court shall schedule the matter for mediation and shall advise each parent of the responsibilities imposed upon them by the pertinent local court rules.

The second paragraph of Rule 11.06(b) is hereby amended to read as follows:

Prior to the full Case Management Conference, counsel of record familiar with the case and authorized to act shall meet and complete a Case Management Conference Memorandum in the form approved by the Court. Any self-represented party shall also complete a Case Management Memorandum in the form approved by the Court. It shall be mandatory for all self-represented parties and counsel of record to attend the full Case Management Conference, and all subsequent conferences thereafter, unless otherwise excused for good cause by court order.

Rules 11.07(a) and (b) are hereby amended to read as follows:

- (a) Settlement conferences shall be mandatory in all contested pre-judgment Family Division cases and contested post-judgment allocation of parental responsibility and relocation petitions unless specifically excused by Court order. No such case shall proceed to trial or hearing as a contested matter until a settlement conference has been held.
- (b) A settlement conference memorandum shall be provided by each party to the Court and opposing counsel or self-represented party two (2) days prior to the settlement conference. The settlement conference memorandum shall be in the form approved by the Court.

Rules 11.09(3) and (4) are hereby amended to read as follows:

3. All parents of minor children who have appeared or who have otherwise personally submitted to the jurisdiction of the Circuit Court of McHenry County in any pending dissolution of marriage proceeding or any post-judgment proceeding wherein there is an issue of modification of significant decisions making responsibility, parenting time or relocation or any pending parentage action pursuant to 750 ILCS 45/1 *et. seq.* shall attend the FPP unless excused for good cause.

4. All parents shall complete the FPP no later than 60 days after the initial scheduling conference or prior to the entry of final judgment or order, whichever occurs first, unless excused by the Court for good cause. All parents in a parentage action shall complete the FPP prior to the entry of a final support and parenting time judgment unless excused by the Court. The Trial Court may in the best interest of the minor children delay the presentment

of evidence or the entry of part or all of the Court's findings pending completion of FPP by the parents.

Part 18 of the Rules of Practice of the Circuit Court of the Twenty-Second Judicial Circuit is hereby amended as follows:

Rule 18.01 is hereby amended to read as follows:

The mediation process described herein is established to assist the Court, counsel and parents as they resolve matters of allocation of significant decision making responsibility, parenting time and relocation. The primary purpose of the process is to recognize, foster and preserve the best interests of the children involved in divorce and family litigation. The secondary purpose of the process is to provide a reasonable, cost-effective alternative dispute resolution forum for the parents in divorce and family litigation. The participants are encouraged to take advantage of this unique opportunity and to take a positive step for the benefit of their children.

Rule 18.02 (a) is hereby amended to read as follows:

(a) **Mediation.** When the word "mediation" is used herein, it means a cooperative process for resolving conflict with the assistance of a trained court-appointed, neutral third party, whose role is to facilitate communication, to help define issues, and to assist the parties in identifying and negotiating fair solutions that are mutually agreeable. Fundamental to the mediation process described herein are principles of safety, self-determination, procedural informality, privacy, confidentiality and full disclosure of relevant information between the parties. Mediation under this is a means for the parties to maintain control of parenting decisions by resolving themselves the issues of allocation of significant decision making 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.

Rule 18.03 (a) (i) is hereby amended to read as follows:

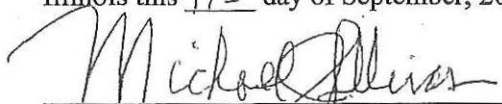
(a)(i) **Mandatory Mediation.** The Court shall order mediation of the following contested issues unless an impediment to mediation exists: (1) initial determination of allocation of significant decision making responsibility or parenting time; (2) modification of allocation of significant decision making responsibility and parenting time and (3) relocation.

Rule 18.09 (e) is hereby amended to read as follows:

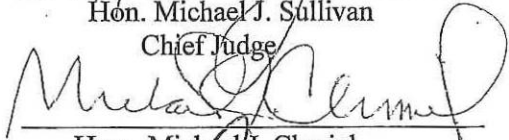
(e) **Motion Granted.** If the motion is granted, the Court may consider whether the best interest of a minor child requires appointment of an attorney for the child in the balance of the litigation. The Court shall order the case returned to the docket for adjudication in the manner prescribed by law. The court may appoint a guardian ad litem, attorney for the child or a child representative. The court may alternatively (or in addition)

seek the advice of any professional, whether or not regularly employed by the court, to assist the court in determining the child's best interest pursuant to 604.10(b).

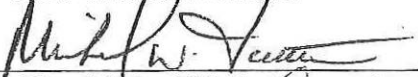
Adopted by the Circuit Judges of the Circuit Court of the Twenty-Second Judicial Circuit, McHenry County Illinois this 19th day of September, 2016.



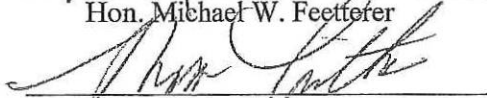
Hon. Michael J. Sullivan
Chief Judge



Hon. Michael J. Chmiel



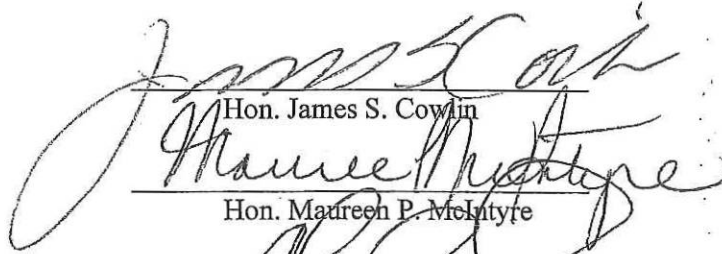
Hon. Michael W. Feetterer



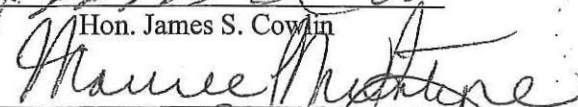
Hon. Sharon L. Prather



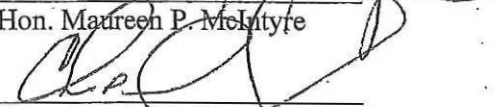
Hon. Michael T. Caldwell



Hon. James S. Cowlin



Hon. Maureen P. McIntyre



Hon. Charles P. Weech