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11.01 SCOPE

Family law cases are defined as any proceeding assigned to the Family Division, excluding juvenile and support matters through the office of the State's Attorney.

11.02 AFFIDAVIT OF PARTIES AND PRODUCTION OF DOCUMENTS

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, pay stubs, 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.

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 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.

C. Failure by either party to submit the affidavit required herein may be cause for sanctions pursuant to Supreme Court Rule 219.

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:

   1. The party's last three (3) pay stubs;

   2. The party's last two (2) filed federal income tax returns;

   3. 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 (1), (2) and (3) above, no other supporting documentary evidence shall be submitted to the judge assigned to hear the matter.

11.03 INTERROGATORIES

No party shall serve on any other party more than 30 written interrogatories in the aggregate, including any subsections thereof, without leave of court or prior written stipulation of the parties, except as authorized in Illinois Supreme Court Rule 213.

11.04 ATTORNEY FOR THE CHILD

A. The Twenty-Second Judicial Circuit recognizes the importance of appointing qualified attorneys to represent the interests of dependent or minor children in the 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 the appointment, have met the necessary qualifications and requirements, and have been approved by this Circuit for Court appointments to the allocation of parental responsibility and parenting time cases.

C. To be considered for initial acceptance, applicants must submit to the Trial Court Administrator of this Circuit information including but not necessarily limited to the following:

1. The applicant must be a licensed attorney in good standing with the Supreme Court of Illinois and have no less than three (3) years experience in cases arising under the Illinois Marriage and Dissolution of Marriage Act, the Parentage Act, the Domestic Violent Act, the Uniform Child Custody Jurisdiction and Enforcement Act and Article 112 A of the Code of Criminal Procedure; and experience of not less than one (1) year in cases arising under the Juvenile Court Act.

2. The applicant must advise the court of his or her past experience, within the five (5) years next preceding the application, concerning the contested allocation of parental responsibility and parenting time cases, as defined by Statute and Supreme Court Rule. The court may inquire 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 child custody cases; relevant substantive state or federal case law in custody and visitation issues; family dynamics, including substance abuse, domestic violence and abuse, and mental health issues; and

related, approved training sessions presented or approved by this court or by state or local bar associations. Attorneys who work for the government or non-profit family or legal aid agencies may meet the requirements of this rule by attending and specifying appropriate in-house legal education classes.

D. The list of attorneys qualified for court appointment shall be updated by the Chief Judge of this Circuit no less than every two (2) years. To maintain qualification, each applicant shall be required to update their office and contact information and shall provide a summary of their continuing legal education courses as specified above.

E. An attorney appointed pursuant to this rule shall have the powers, duties and responsibilities including, but not necessarily limited to, those specified in 750 ILCS 5/506, Illinois Supreme Court Rule 907, the applicable sections of the Marriage and Dissolution of Marriage Act, the Parentage Act, the Domestic Violence Act, the Juvenile Court Act, the Uniform Child Custody Jurisdiction and Enforcement Act, Section 112A of the Code of Criminal Procedure, and other duties and responsibilities as the court may specify.

F. An attorney appointed pursuant to this rule shall report to the court on the status of the cause and file a motion for fees pursuant to statute within 90 days following appointment and every 90 days thereafter. The motion shall be filed with the clerk and scheduled for hearing together with a status concerning the underlying cause. A copy of the motion shall be placed with the Trial Court Administrator for distribution to the judge hearing the cause.

G. An attorney may be removed from the approved appointment list by failing to comply with the requirements of this rule, by the action of the court, or by voluntary request. An attorney may decline a specific appointment due to potential conflict of interest, time constraints, or other good cause shown upon notice and application to the appointing judge.

H. The Chief Judge shall be responsible for disseminating and collecting attorney applications for appointment hereunder, for disseminating motions for fees hereunder, for maintaining and updating information on the list of attorneys available for court appointment, and for the publication of the requirements of this rule.

11.05 CONCILIATION, MEDIATION, ADVICE TO COURT, INVESTIGATIONS AND REPORTS

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.

11.06 CASE MANAGEMENT CONFERENCES

A. **Initial Case Management Conference**. Upon the filing of the initial pleading in any Dissolution (DV) or Family (FA) case, a date and time will be set approximately 90 days from the filing of the initial pleading for the parties or their attorneys to appear in open court on a schedule established by the court and implemented by the Clerk of the Circuit Court for an Initial Case Management Conference. It shall be mandatory for all pro se parties and counsel of record to attend the Initial Case Management Conference unless otherwise excused for good cause by prior court order. At this time, the court shall determine the following issues:

1. The status of service of summons;

2. The status of pleadings;

3. The status of parenting education, at which time the parties shall show proof of completion of the approved parenting education program, provide a fixed schedule for compliance, or show cause to excuse compliance; and

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 court may enter any appropriate scheduling orders and consider any other matters that may aid in the disposition of the case, including setting a date for a full Case Management Conference pursuant to Supreme Court Rule 218.

B. **Full Case Management Conference**. A full Case Management Conference pursuant to Supreme Court Rule 218 may be conducted upon notice and motion of a party or upon order of the court. A full Case Management Conference shall be held no later than 30 days after mediation has been completed. In addition to other matters the court may choose to address at the conference, and if the court has not appointed counsel previously, the court shall address whether to appoint an attorney for the child or a *guardian ad litem* or a child representative in accordance with Section 506 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/506).

   Prior to the full Case Management Conference, the 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.

The Case Management Conference Memorandum shall address the following issues:

1. The nature, issues, and complexity of the case;

2. The formation and simplification of the issues, including the elimination of frivolous claims;

3. Amendments to the pleadings;

4. Status of Discovery;

5. Possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;

6. Limitations on Discovery, including:

   a. the number and duration of depositions which can be taken;

   b. the area of expertise and the number of opinion witnesses who can be called;

   c. deadlines for the disclosure of all witnesses under Supreme Court Rule 231(f), including all opinions of witnesses, and the completion of written discovery and depositions.

7. Possibility of settlement and scheduling of a Pre-Trial Settlement Conference.

8. Advisability of alternative dispute resolution;

9. Advisability of holding subsequent case management conferences and pre-trial settlement conferences; and

10. Any other matters which may aid in the disposition of the case.

The completed memorandum shall be tendered to the court at the full Case Management Conference. At the conclusion of the full Case Management Conference, an order in the form approved by the court shall be prepared by the petitioner or petitioner's counsel addressing the above considerations and presented to the court for approval and entry.

Any party and/or attorney required under this rule to attend any Case Management Conference who, without good cause, fails to attend after having been given due and proper notice, or fails to meet and complete the full Case Management Conference Memorandum, shall be subject to the sanctioning power of this court, including, but not limited to, those authorized under Supreme Court Rule 219(c), such as civil or criminal contempt, dismissal, imposition of attorney's fees, imposition of monetary sanctions, and the awarding of the other party's costs of transportation, loss of work income and other expenses incident to that party's presence at the conference.

11.07 SETTLEMENT CONFERENCE

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 excused explicitly 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.

C. Settlement conferences shall be set by order of court pursuant to the court's own motion or notice and motion or by agreement of the parties. It is mandatory that the trial attorneys be present at all settlement conferences.

D. Any party and/or attorney required under this rule or order of court to attend a settlement conference who, without good cause, fails to attend after having been given due and proper notice or fails to provide a settlement conference memorandum shall be subject to the sanctioning power of this court including, but not limited to, those authorized under Supreme Court Rule 219(c), such as civil or criminal contempt, dismissal, imposition of attorney's fees, imposition of monetary sanctions, and the awarding of the other party's costs of transportation, loss of work income and other expenses incident to that party's presence at the conference.

11.08 SUBSEQUENT CASE MANAGEMENT CONFERENCE TO SIMPLIFY AND REDUCE TRIAL ISSUES AND PROOFS (hereinafter referred to as a "TRIAL CONFERENCE")

A. Upon motion of either party or order of the court, a Trial Conference shall be scheduled. The purpose of the Trial Conference is:

1. The formation and simplification of the issues, including the elimination of frivolous claims;

2. determining whether amendments to the pleadings are necessary or desirable;

3. to obtain admissions of fact and documents which will avoid unnecessary proof, stipulations regarding the authenticity of documents, and advance rulings from the court on the admissibility of evidence including written motions *in limine*;

4. the avoidance of unnecessary proof and of cumulative evidence;

5. the identification of the number of witnesses and exhibits, the need and schedule for filing and exchanging briefs, and the date or dates of further conferences and for trial;

6. the identification of any unresolved Petitions, including attorney's fees of attorneys previously involved in the case; and

7. such other matters as may aid in the disposition of the action.

B. Upon the entry of an order scheduling a Trial Conference and prior to the Trial Conference, the attorneys for all the parties and the unrepresented parties shall meet either in person, by telephone, or as otherwise ordered by the court. At such meeting, they shall:

1. reach an agreement on any possible stipulations narrowing the issues of law or fact;

2. exchange copies of exhibits that will be offered in evidence at the trial;

3. perform such other acts as have been ordered by the court; and

4. jointly prepare a trial conference memorandum in the form approved by the court.

It shall be the continuing duty of all of the parties and attorneys to meet, respond, and cooperate to fulfill the terms of this Rule.

C. At the Trial Conference, each party shall be represented by the attorney who will be representing him or her in the trial of the case unless otherwise permitted by court order. All the parties and attorneys must attend the Trial Conference. Any attorney having a pending fee petition must also attend the conference.

D. After the Trial Conference has taken place pursuant to this Rule, an order shall be

entered reciting the actions taken. This order shall control the subsequent course of the case unless modified by a subsequent order. The order following a Trial Conference shall be modified only to prevent manifest injustice.

E. If a party or party's attorney or any attorney having a pending fee petition fails to do one or more of the following:

1. obey a scheduling or trial conference order;

2. appear at the Trial Conference;

3. properly prepare to participate in the conference; or

4. participate in good faith, the court upon motion or on its own initiative, may make such order with regard thereto as are just, and assess sanctions pursuant to Supreme Court Rule 219(c), including attorney's fees, and monetary sanctions unless the court finds that noncompliance was substantially justified or that other circumstances make an award of expenses or the imposition of sanctions unjust.

11.09 PARENTING EDUCATION

A. The Circuit Court of McHenry County has the responsibility and duty to protect the interests of minor children whose parents are engaged in litigation dissolving their marriage. The litigation process is stressful, but particularly so when the family is undergoing a change in structure. It is at such a time, and in its aftermath, that activities harmful to the child can occur. Therefore, it is to the benefit of all such parents, regardless of their parenting skills, and in the best interest of their minor children, that they take time from the immediate personal concerns to consider the impact of the dissolution process on their children.

B. In furtherance of this policy and to implement the provisions of 750 ILCS 5/404.1 (1994), a Family Parenting Program (FPP) shall be established as a resource to the Circuit Court.

1. The program may be contracted for and shall be overseen by the Chief Judge or his or her designee.

2. The contents of the FPP shall be directed to the best interests of the minor children of the parties to dissolution or post-dissolution proceedings and shall concern the effects of divorce on children. The program shall be educational in nature and not designed for individual therapy. The program shall not exceed four (4) hours in duration.

3. The parenting program described above shall be financially self-supportive through court-assessed fees paid by the parties attending the program. The amount of the fee to be assessed for the program shall be related to the cost of conducting the program and shall be determined by the Chief Judge or his or her designee. The fee may be waived by the court for a good cause shown.

C. 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 a good cause.

D. 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 a 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.

E. The judge assigned to a case other than described in C above may, in the exercise of discretion, require parents of minor children or other parties to attend the FPP.

F. Where a party required to attend the FPP resides outside of the Twenty-Second Circuit, the court may authorize attendance at another similar parenting program in lieu of the FPP.

G. Persons registered for a session who do not attend and do not cancel at least 24 hours in advance shall be required to reregister and pay an additional full fee.

11.10 EMERGENCY MOTIONS

An Emergency Motion shall be labeled as such and shall be heard only if the court first determines that an emergency exists and that reasonable attempts at notice have been made. Any emergency motion shall be verified and state the nature of the emergency as well as when the emergency arose. A party and/or his or her counsel who respond to a motion propounded as but found not to be an emergency may be entitled to reimbursement by the proponent of actual expenses, fees and costs incurred in responding to the said motion.

11.11 REPORT OF PROCEEDING/PROVE-UP FORMS

The report of proceedings from all domestic relations prove-ups shall be transcribed and filed within 30 days unless excused by the order of the court.
At the prove-up or upon the entry of the Judgment for Dissolution, the petitioner shall submit a typed statistics certificate as required by the State of Illinois. Prior to the entry of a judgment for dissolution in cases involving the custody of children, the parties must provide the court with the information required pursuant to 750 ILCS 35/10 by submitting an affidavit in a form approved by the court.

11.12 JOINT SIMPLIFIED DISSOLUTION PROCEDURE

Parties seeking a simplified joint dissolution pursuant to 750 ILCS 5/452 shall use forms approved by the court which shall be available upon request from the Clerk of the Circuit Court. After filing the joint petition, both parties shall appear in person before the court on the assigned date and a hearing will be held. No transcript of the hearing shall be required. Brochures approved by the Chief Judge explaining the joint simplified dissolution procedures shall be provided by the Clerk of the Circuit Court.

11.13 REMOTE COURT APPEARANCES IN THE FAMILY DIVISION

Remote court appearances are governed by Illinois statutes, Supreme Court Rules, these local rules, Family Division Standing Orders, and individual judge's standing orders. Parties and attorneys wishing to appear remotely are encouraged to review the related sections of the Circuit Clerk's website, the Circuit Court's website, and this Circuit's Guidelines for Virtual Courtroom Proceedings

11.14. PARENTING COORDINATORS

A. Purpose. The 22nd Judicial Circuit Court recognizes the benefits of parenting coordination under authority of Illinois Supreme Court Rule 909 as a child-focused alternative dispute resolution process conducted by a licensed mental health or family law professional. This Circuit Court Rule is intended to adopt standards for the qualifications of parenting coordinators, conduct of parenting coordinators and specialized parenting coordination protocols for screening, procedures, and training in cases involving intimate partner violence, and the appointment and compensation of parenting coordinators.

B. Scope of Authority. This Circuit Court Rule is premised upon Il. S. Ct. R. 909 and its terms and conditions are hereby incorporated by reference herein. All proceedings to appoint a parenting coordinator shall strictly comply with the definitions, duties, and authority as stated thereunder. The term "coparent" as used herein refers to an individual who shares legal responsibility for a child(ren) with another individual.

C. Motions for Parenting Coordination and to Appoint a Parenting Coordinator.

(1.) In any case adjudicating the allocation of parental responsibilities under the Illinois Marriage and Dissolution of Marriage Act or the Illinois Parentage Act of 2015, the court may order parenting coordination and appoint a parenting coordinator following the approval of a final judgment allocating parental responsibilities, or earlier if approved by the court for good cause shown.

(2.) Before ordering parenting coordination, the court shall consider any allegations or evidence of intimate partner violence where one coparent has exhibited or continues to exhibit patterns of violence, threat, intimidation, and coercive control over the other coparent.

(3.) Motions for parenting coordination and to appoint a parenting coordinator shall be made in writing with proper notice to all parties entitled to notice. The motion may be filed by either or both coparents, a child representative, or attorney for a child, or may be recommended by a guardian *ad litem*. Such motions must be verified or supported by affidavit and allege sufficient facts showing that parenting coordination is necessary to serve the best interests of the child(ren) after consideration of one or more factors under Il. S. Ct. R. 909(c). The motion should identify a qualified parenting coordinator to be appointed. The court may *sua sponte* order parenting coordination and appoint a parenting coordinator whenever appropriate after providing the coparents with reasonable notice and opportunity to be heard.

(4.) The court shall have the exclusive authority and discretion to order parenting coordination and to appoint a parenting coordinator, and the appointed parenting coordinator shall be accountable to the court. An agreement by coparents for parenting coordination shall not necessarily be binding on the court, but it shall be given due consideration. In all cases, the court shall determine whether parenting coordination is necessary to serve the child(ren)'s best interests due to one or more of the factors under Il. S. Ct. R. 909(c) or such other reason as the court deems appropriate that does not exceed the authority under Il. S. Ct. R. 909.

(5.) Both coparents shall file a financial affidavit and comply with disclosures required by Circuit Court Rule 11.02.

D. Orders for Parenting Coordination. All court orders for parenting coordination and appointing a parenting coordinator must strictly comply with Il. S. Ct. R. 909 and shall include at a minimum and specify in detail the following terms and conditions:

(1.) Findings of fact and conclusions of law that parenting coordination is necessary to serve the best interests of the child(ren) under one or more factors under Il. S. Ct. R. 909(c).

(2.) Duties of the parenting coordinator;

(3.) Authority of the parenting coordinator to make specific recommendations regarding the existing parenting plan;

(4.) Limitations on the authority of the parenting coordinator;

(5.) Notice that a lawyer appointed as a parenting coordinator is serving as a third-party neutral and is not representing either coparent and cannot provide them with any legal advice.

(6.) Obligations of both coparents to comply with the recommendation(s) made by the parenting coordinator until and unless the court, after a hearing on a motion for review and any responses thereto, rules that the recommendation(s) at issue are either: (a.) in contravention of the child(ren)'s best interests; or (b.) outside the scope of authority granted to the parenting coordinator under Il. S. Ct. R. 909, the local circuit court rule, or the court order appointing the parenting coordinator;

(7.) Setting the obligations of coparents to pay the parenting coordinator's fees and costs, including a reasonable retainer fee, as ordered by the court upon consideration of the financial resources of the coparents or as agreed upon in writing by the coparents and the parenting coordinator;

(8.) Right of either coparent to file a motion for a review of any recommendation(s) made by the parenting coordinator, which shall be heard by the court under a *de novo* standard of review;

(9.) Notice that if a coparent files a motion for review and the court substantially affirms the recommendations of the parenting coordinator, the court may order the coparent opposing the recommendations to pay both coparents' reasonable attorney fees and costs incurred in connection with the issue brought before the court pursuant to section 508 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/508) and section 802 of the Illinois Parentage Act of 2015 (750 ILCS 46/802);

(10.) Notice to coparents that their communications with the parenting coordinator shall not be confidential, except as provided by another Rule, statute, or by court order in a case involving the same parents;

(11.) Provide the parenting coordinator with the same immunity provided to all other professionals appointed by the court under the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/506);

(12.) Designate the name, address, telephone number, and email address of the appointed parenting coordinator.

(13.) Designate the current address, telephone number, and email address of each coparent for purposes of communication and exchange of information and documents to facilitate coparenting coordination as ordered; and

(14.) Provide that an attorney representing a coparent must consent to communication directly between the coparent and the parenting coordinator outside the presence of their attorney. A coparent may request their attorney to be copied on any or all written communications from the parenting coordinator to the coparent.

(15.) Designate a future hearing date to review the status of compliance with the order for parenting coordination.

E. Parenting Coordination Services Contract. In addition to the court order for parenting coordination, a written professional services contract between the parenting coordinator and the coparents may be used to detail essential elements of the parenting coordination process consistent with Il. S. Ct. R. 909 and the court's appointment order, such as fees, billing practices, record keeping, intake process, case management, communication, and submission of reports. Any such contract must be made known to the court and shall be disclosed upon request.

F. Standards of Practice for Parenting Coordinators. A parenting coordinator appointed by the court shall follow the "*Guidelines for Parenting Coordination*," published by the Association of Family and Conciliation Courts (AFCC) Task Force on Parenting Coordination (www.afccnet.org), to the extent that said guidelines do not conflict with Il. S. Ct. R. 909 and any order for parenting coordination entered by a court in accordance with this Rule.

G. Protocols for Safety and Competency of Parents and Child(ren). The parenting coordinator shall be vigilant to promote the safety of all family members throughout the parenting coordination process. The parenting coordinator shall continuously monitor and screen for issues of intimate partner violence, safety concerns, child abuse and neglect, substance abuse, psychological impairment, and other issues

of competency of coparents and their child(ren) and promptly take appropriate actions to address such issues whenever they are identified.

(1.) The parenting coordinator shall implement appropriate personal safety protocols to ensure the safety of each coparent and their child(ren), suspend or terminate the parenting coordination process whenever it is unsafe to continue, and then promptly notify the court of the action taken. The parenting coordinator should consider whether appropriate safety protocols include reporting domestic violence, suspected child abuse and neglect, and any other suspected criminal conduct to local law enforcement and other agencies to investigate such claims.

(2.) The parenting coordinator shall adjourn, terminate, or modify the parenting coordination process if a coparent is incapable of participating, and then promptly notify the court of the action taken. The parenting coordinator must consider whether there is a reasonable likelihood the impaired condition of the affected coparent is only temporary, or if the circumstances indicate the affected coparent's ability to participate cannot be adequately restored.

(3.) A coparent must promptly notify the parenting coordinator if an order of protection is entered by any court protecting them and/or the child(ren) from the other coparent. The parenting coordinator shall recognize and take any measure mandated by any active order of protection to ensure the safety of all family members.

H. Conflicts of Interest. A parenting coordinator shall be prohibited from serving as a court's professional or a party's retained professional pursuant to section 604.10 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/604.10(b)-(c)), as a guardian *ad litem*, child representative, or attorney for a child pursuant to section 506 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/506), or as a mediator pursuant to part 18.00 of the 22nd Circuit Court Rules, in any proceeding involving one or more of the coparents for whom the parenting coordinator has provided parenting coordination services. A previously appointed court professional or guardian *ad litem* or child representative may be appointed as a parenting coordinator in the same case only by agreement of the coparents and approval of the court.

I. Motions to Modify or Terminate Parenting Coordination. A motion seeking to modify or terminate an order for parenting coordination shall be made in writing, with proper notice given to all parties entitled to notice. The motion may be filed by either or both coparents, a child representative, or attorney for a child, or may be recommended by a guardian *ad litem*. The court may *sua sponte* modify or terminate parenting

coordination whenever appropriate after providing the coparents with reasonable notice and opportunity to be heard.

(1.) A motion to modify or terminate an order for parenting coordination shall be heard and determined in accordance with sections 610.5(c), (e)(2), or (e)(3) of the Illinois Marriage and Dissoluition of Marriage Act.

(2.) Additionally, the court shall consider whether modification or termination of parenting coordination is necessary to serve the child(ren)'s best interests due to one or more of the factors under Il. S. Ct. R. 909(c) or such other reason as the court deems appropriate that does not exceed the authority under Il. S. Ct. R. 909.

J. Motions to Discharge Parenting Coordinator. A motion seeking to discharge a parenting coordinator shall be made in writing with proper notice given to all parties entitled to notice. The motion may be filed by either or both coparents or by the parenting coordinator. The court may *sua sponte* discharge a parenting coordinator whenever appropriate after providing the coparents with reasonable notice and opportunity to be heard.

(1.) The court must find good cause to discharge a parenting coordinator, which may include, without limitation, noncompliance by one or both coparents with the order for parenting coordination, a material breach by one or both coparents of the terms of a parenting coordination services contract, or failure by one or both coparents to pay fees and costs approved by the court.

(2.) If a parenting coordinator is discharged, the court shall promptly consider the appointment of a successor parenting coordinator. Both coparents shall be required to file a current financial affidavit and comply with disclosures required by Circuit Court Rule 11.02 whenever the court considers the appointment of any successor parenting coordinator.

K. Fees and Costs. The court shall enter an order as appropriate for the fees, costs, and disbursements, including a retainer, when the parenting coordinator is appointed and from time to time thereafter upon due notice and hearing. Except for good cause shown, hearings shall be non-evidentiary and summary in nature and shall be scheduled expeditiously by the court. Both coparents shall file a financial affidavit and comply with disclosures under Circuit Court Rule 11.02 in advance of any hearing to allocate fees and costs between them.

(1.) In determining fees and costs, the court shall consider the financial resources of the coparents and the terms of a written agreement between the coparents

and the parenting coordinator, if any. Fees and costs of the parenting coordinator must be fair, reasonable, and necessary to perform the services under the order for parenting coordination.

(2.) The parenting coordinator shall file with the court within 90 days of their appointment, and every subsequent 90-day period thereafter during the course of the parenting coordination, a detailed invoice for services rendered with a copy being sent to each coparent. Any objection(s) to an invoice must be filed and served within 30 days of the date of filing of the parenting coordinator's invoice. A parenting coordinator appointed by the court shall have standing to file a petition seeking fees and costs against one or both coparents. Upon due notice and hearing, the court shall review the invoice submitted, any objection(s), and enter an appropriate order for fees and costs if they are found to be fair, reasonable, and necessary.

(3.) If a coparent files a motion for review and the court substantially affirms the recommendations of the parenting coordinator, the court may order the coparent opposing the recommendations to pay both coparents' reasonable attorney fees and costs incurred in connection with the issue brought before the court pursuant to section 508 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/508) and section 802 of the Illinois Parentage Act of 2015 (750 ILCS 46/802).

(4.) Any order approving fees and costs shall require payment by either or both coparents and a judgment may enter to secure such payment in favor of the parenting coordinator and against either or both coparents, jointly and severally.

(5.) Unless otherwise ordered by the court at the time fees and costs are approved, all fees and costs payable to the parenting coordinator are by implication deemed to be in the nature of support of the child(ren) and are within the exceptions to discharge in bankruptcy under 11 U.S.C.A. 523.

L. Qualifications of Parenting Coordinators. The Presiding Judge of the Family Division shall maintain a list of professionals approved to provide parenting coordination services. Professionals eligible for approval as parenting coordinator shall provide evidence upon written application demonstrating that each of the following minimum requirements have been satisfied.

(1.) The applicant must have completed a comprehensive training program of at least 16 hours of continuation education credits specific to parenting coordination and produce a copy of the detailed agenda of the training program and certificate of completion from the sponsor. The training program must address procedures for initial

and ongoing screening for intimate partner violence and implementation of appropriate safety interventions and protocols.

(2.) Attorneys must have at least 10 years of experience dedicated to family law and child-custody litigation, including cases involving allegations of intimate partner violence; or be qualified by the court as a mediator, guardian *ad litem,* or child representative with at least 5 years of experience.

(3.) Mental health professionals must have completed all education and training requirements, including an approved course on domestic violence, and be court approved as a family law mediator with at least 10 years of experience; or be qualified as a professional evaluator under section 604.10 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/604.10(b)-(c)) with at least 5 years of experience.

(4.) The applicant must possess a *juris doctor* law degree or a master's degree in psychology, social work, family counseling, or another behavioral science field substantially related to family interpersonal relationships.

(5.) The applicant shall be licensed, in good standing, within their profession in Illinois.

(6.) The applicant shall submit proof of professional liability insurance which covers parenting coordination services.

(7.) The applicant shall be a current member in good standing in at least one professional organization related to family law, parenting coordination, mediation, child representation, family counseling, or a related field.

(8.) The applicant shall maintain a physical office within McHenry County, Illinois, unless otherwise allowed by the Presiding Judge of the Family Division.

(9.) An approved parenting coordinator shall have a continuing duty to inform the court within 7 days if they have been disciplined by any licensing agency or professional organization to which they belong.

M. Continuing Education Requirements. Every approved parenting coordinator shall attend and complete at least 4 hours of continuing education credits per calendar year related to parenting coordination. Teaching credits count towards this requirement. A parenting coordinator is personally responsible for continuing education and is encouraged to join with other parenting coordinators and members of related professions to promote mutual professional development.

(1.) Continuing education courses shall, at a minimum, address the following topics: advanced issues in the parenting coordination process; conflict resolution methods; managing noncompliance with court orders; high conflict coparents; family dynamics; the needs of children in cases of family separation; the impact of separation, divorce, and parental conflict on family dynamics and child(ren)'s well-being; intimate partner violence; child abuse; substance abuse; psychological issues affecting families; the use and privacy of electronic records; and ethical considerations in parenting coordination.

(2.) A parenting coordinator shall report and verify completion of continuing education requirements to the 22nd Judicial Circuit's Family Mediation Advisory Council. Parenting coordinators with last names beginning A-M should submit information by July 1 in even-numbered years. Those with last names N-Z should submit by July 1 in odd-numbered years.

(3.) A parenting coordinator's failure to complete and report continuing education requirements will result in disqualification as a court approved parenting coordinator.