

**ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
ADMINISTRATIVE ORDER 2015-19**

**McLEAN COUNTY FAMILY DIVISION STANDING ORDERS
ON MEDIATION AND PARENTING EDUCATION**

WHEREAS, in an effort to provide those appearing in dissolution (D) and family (F) cases before the Family Division judges of the McLean County Circuit Court, Eleventh Judicial Circuit a clear and expeditious manner in which to have matters involving children, custody and visitation addressed; and in accordance with IL Supreme Court Rules 901 and 903; the presiding Judge of the McLean County Family Division and judges assigned to the division, have initiated two standing orders to provide a timetable for counsel and parties for expeditious management of child-related issues in divorce and family cases as follows:

- A. Order Requiring Timely Mediation of Custody and/or Visitation Issues
- B. Order Requiring Parenting Education Program

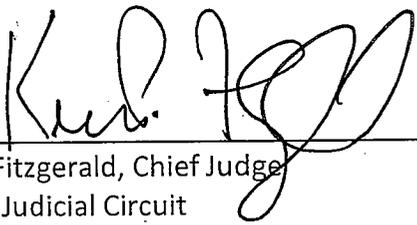
WHEREAS, the members of the McLean County Bar Association primarily engaged in the practice of family law have had the opportunity to review and comment on these orders, and

WHEREAS, the entire Court has reviewed and approved the two standing orders incorporated herein as Appendix A and Appendix B to this order; therefore,

IT IS ORDERED, the standing orders related to mediation of custody and/or visitation issues and requiring parenting education are hereby adopted for the McLean County Circuit Court effective July 1, 2015.

These orders shall be available through the McLean County Circuit Court upon request.

Entered this 15th day of July, 2015



Kevin P. Fitzgerald, Chief Judge
Eleventh Judicial Circuit

**IN THE CIRCUIT COURT
ELEVENTH JUDICIAL CIRCUIT
MCLEAN COUNTY, ILLINOIS**

**STANDING ORDER REQUIRING TIMELY
MEDIATION OF CUSTODY OR VISITATION ISSUES**

Each of the parties to any dissolution of marriage (D) or family (F) case involving potential child custody or visitation issues MUST complete mediation, as required Circuit Court Rule 154, within one hundred twenty (120) days of the date of filing such case. A waiver of this requirement may be granted upon submission of executed documents of agreement resolving all potential custody and parenting time issues or upon written request for waiver supported by good cause shown. Failure to timely complete mandatory mediation may result in the entry of an Order imposing sanctions.

In the event the parties are not actively engaged in mediation at the time of the first Case Management Conference, the parties are directed to submit a proposed mediation order and completed referral form for entry by the Court at the time of the first Case Management Conference.

Effective: July 1, 2015

Kevin P. Fitzgerald, Chief Judge

**ELEVENTH JUDICIAL CIRCUIT COURT
McLEAN COUNTY, IL
STANDING ORDER – REQUIRING PARENTING EDUCATION PROGRAM**

Each of the parties to any dissolution of marriage (D) or family (F) case involving potential child custody or visitation issues MUST complete an approved PARENTING EDUCATION PROGRAM within thirty (30) days of the date of filing such case or within 30 days of the party's appearance, unless extended upon good cause shown. Failure to complete the Program may result in the entry of an Order imposing sanctions.

The parties are directed to contact one of the PARENTING EDUCATION PROGRAMS listed below to make arrangements for the payment of required fees and scheduling of their appointments.

CHILDREN FIRST

Chestnut Counseling and Family Services
1003 Martin Luther King Drive
Bloomington, IL 61701
(309) 820-3500

Children First – Champaign County
405 South State Street
Champaign, IL 61820
(217) 352-0099

Illinois Central College
5407 N. University
Peoria, IL 61635
(309) 690-6900

Livingston County Commission on Children and Youth
Health and Education Building
310 E. Torrance Avenue
Pontiac, IL 61764
(815) 844-7708

CHILDREN IN THE MIDDLE

Kevin Crutcher
8 Blue Lake Road
Bloomington, IL 61704
(309) 532-2014

Community Resource & Counseling Center
Sarah Meyer
1510 West Ottawa Road
Paxton, IL 60957
(217) 379-4302

KID'S TURN

Children's Foundation
403 South State Street
Bloomington, IL 61701
(309) 834-5259

NUTURING PARENTING

Center for Youth and Family Solutions
2100 W. 5th Street
Lincoln, IL 62656
(217) 732-3771

PARENTS FOREVER

Mark Buttell
Abraham Lincoln Memorial Hospital
200 Stahlhut Drive
Lincoln, IL 62656
(217) 737-9401

Project Oz
1105 W. Front Street
Bloomington, IL 61701
(309) 827-0377

Effective July 1, 2015

Kevin P. Fitzgerald, Chief Judge

ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
ADMINISTRATIVE ORDER 2015-18

McLEAN COUNTY FAMILY DIVISION PROTOCOL

WHEREAS, in an effort to provide those appearing in dissolution (D) and family (F) cases before the Family Division judges of the McLean County Circuit Court, Eleventh Judicial Circuit a clear and expeditious manner in which to have matters involving children, custody and visitation addressed; and in accordance with IL Supreme Court Rules 901 and 903; the presiding Judge of the McLean County Family Division and judges assigned to the division, have initiated a Family Division Protocol as a guide to counsel and parties to expeditious management of child-related issues in divorce and family cases, and

WHEREAS, the members of the McLean County Bar Association primarily engaged in the practice of family law have had the opportunity to review and comment on said protocol, and

WHEREAS, the entire Court has reviewed and approved the protocol incorporated herein as Appendix A to this order; therefore,

IT IS ORDERED, the Family Division Protocol is hereby adopted for the McLean County Circuit Court effective July 1, 2015.

This protocol shall be available through the McLean County Circuit Court upon request.

Entered this 15th day of July, 2015



Kevin P. Fitzgerald, Chief Judge
Eleventh Judicial Circuit

General Family Division Protocol Commentary

The judges have adopted the following with regard to general approaches to handling issues relating to: parent education requirement; mediation mandate; discovery; informal consultations with the Court; child interviews by the Court; GAL appointments, custody evaluation orders, parenting coordinator appointments.

General Principle: All of these issues are ultimately case-by-case determinations in recognition that every case is different and, therefore, this commentary is not equivalent to a standing order and is intended only to guide counsel in regard to expeditious handling of child-related issues in divorce and family cases.

1. **Parent Education.** Pursuant to a Standing Order, the Court's expectation, generally, is that Parent Education is to be completed by the parties, without the necessity of an order, by the time of the initial case management conference, unless a waiver of this requirement is sought and is supported by documents of agreement regarding settlement of all child-related issues or counsel's representation that agreement(s) are pending/imminently forthcoming.
2. **Mediation.** Absent documents of agreement or similar counsel representations, mediation shall be ordered at the time of the first case management conference. Counsel and parties are encouraged to undertake mediation, without the necessity of an order, even prior to the first CMC in all cases where counsel assesses the likelihood of a need for mediation. Pursuant to a Standing Order, the Court's expectation is that mediation is completed, written notice of which is furnished by the mediator, by Day 120 or the second status hearing, i.e. the first status hearing following the initial CMC. If the proceeding is a post-judgment matter involving child custody/visitation issues, including removal issues, the Court generally expects the parties to engage in mediation prior to the filing of the post-judgment pleading. This would be particularly applicable for cases in which the parties had previously agreed to mediate such disputes prior to initiating court action. In any event, the timeline for completing mediation, if occurring after initiating court action, will ordinarily be considerably shorter than in pre-judgment litigation.
3. **Discovery.** In addition, the Court generally expects that both parties' written discovery will be initiated in sufficient time for compliance to be furnished by both by 120 days from date of filing. If the proceeding is a post-judgment matter, the expectation may well be for a considerably shorter timeline for completion of discovery.
4. **Informal Consultation.** The Court, upon agreement of the parties and by request for an Informal Consultation from both counsel, may consent to hold an informal and non-binding consultation with counsel in an attempt to narrow or aid in resolution of unresolved issues.
 - a. This conference shall be scheduled with the assigned judge prior to setting the cause for Final Pre-trial and Trial. Parties to the case should be informed that these conferences are non-binding and any rulings made by the Court may be

different than indicated during the consultation after full evidence and testimony has been taken.

- b. The purpose of these conferences is to promote settlement between the parties and should not be used by counsel as an attempt to evaluate their case or as attempt to obtain information and an advantage in the litigation.

5. **Other Child-related Issues.** With reference to child interviews by the Court; GAL appointments, custody evaluation orders, parenting coordinator appointments, all of these possible resources are regarded, generally, as exceptional, not highly exceptional, but exceptional nonetheless. All of these procedures contemplate involvement of the child(ren) in the litigation, which is disfavored. Thus, a specific showing of good cause for invoking any of these procedures is expected of the party seeking one or more of these additional resources. Related expectations include:

- a. Child interviews will not contemplate the children being treated as occurrence witnesses in relation to alleged parental misconduct. If in the context of child preferences inquiry, the child addresses such conduct, the information will be received as probative (or not) of the child's preferences, not principally for the the purposes of proving misconduct.
- b. It is always expected that the parties will refrain from communicating about the litigation with or in the presence of the child(ren). The parents are also expected to secure compliance with this expectation from friends and family members. When children inquire about the case, the only acceptable answer is "the judge told me not to talk about these matters with you." Furthermore, any comments by one parent about the other parent to or in the presence of the child(ren) must not be critical, must be kind and positive, and must demonstrate an active willingness to support the other parent's relationship with the child(ren). Anything less will raise the suspicion of an effort to alienate the other parent's relationship with the child(ren).
- c. It is expected that parents who, in the first instance, do not have primary custodial responsibility (even though they may be seeking primary custodial responsibility) should generally be making child support payments to the primary custodian without waiting to be ordered to do so. Attorneys are expected to encourage this measure of parental responsibility.
- d. In connection with GALs, custody evaluators, and parenting coordinators, the attorneys are to avoid submitting any unsolicited communications or materials which could be characterized as advocacy. When counsel are requested to furnish such communication or materials, they may do so.
- e. Custody evaluation requests will generally be accompanied by substantial (rather than speculative) evidence implicating mental health issues, whether related to the parents or the child(ren).

f. Parenting coordinators may, pursuant to Circuit rule, be ordered by the Court upon finding:

- i. The parties failed to adequately cooperate and communicate with regard to issues involving their children, or have been unable to implement a parenting plan or parenting schedule;
- ii. Mediation has not been successful or has been determined by the judge to be inappropriate; or
- iii. The appointment of a parenting coordinator is in the best interests of the child or children involved in the proceedings.

Notwithstanding the above, the court may appoint a parenting coordinator by agreement of the parties.

6. The Family Division has instituted the use of new forms (or forms substantially in conformance with the new forms) relating to setting and conducting Final Pre-Trial and remaining issues Trial proceedings. Those forms are attached hereto or are available upon request. The Final Pre-Trial Memoranda also reflect an additional settlement effort requirement of counsel and the parties, to-wit: Certification by counsel and the parties that they have met at an in-person ("4-way") settlement conference (unless waived for good cause shown to court), were not successful resolving all issues, exchanged information necessary for the preparation of this Final Pre-trial Memorandum, and discussed the issues required to be presented to the court at trial. This certification must be signed by counsel and the parties.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
McLean County, Illinois

_____)	
)	
Petitioner,)	
)	
v.)	Case No: _____
)	
_____)	HFS No: _____
)	
Respondent)	

FINAL PRE-TRIAL ORDER-MARITAL-ALL REMAINING ISSUES

A. Status of Parties:

<input type="checkbox"/> Petitioner Fails to Appear	<input type="checkbox"/> Respondent Fails to Appear
<input type="checkbox"/> Petitioner Appears with or by Attorney _____	<input type="checkbox"/> Respondent Appears with or by Attorney _____
<input type="checkbox"/> Petitioner Appears <i>Pro Se</i>	<input type="checkbox"/> Respondent Appears <i>Pro Se</i>

B. Parent Education Compliance:

Petitioner has/has not (circle one) attended Parent Education Program.

Respondent has/has not (circle one) attended Parent Education Program.

The parties are excused from attending a Parent Education Program, for the following reason(s): _____

Petitioner/Respondent ordered to complete a Parent Education Program within _____ days.

Not applicable.

C. Final Pre-Trial Order

A final pre-trial conference shall be held on _____, 2014 at _____. All parties and counsel shall be present. Children are not to be present. At the final pre-trial conference the parties shall present to the Court, with copies for all other parties, the following:

1. An original "Final Pre-Trial Memorandum-With Children" or "Final Pre-Trial Memorandum-No Children," substantially in conformance with the forms prescribed by the Court (available on request), signed by all counsel and parties; copies of this Memorandum may serve as cover sheet for the balance of the following;
2. Statement of issues presented to the court.
3. Stipulations and partial agreements.

4. Potential witness, with current address, together with statement of whether witness will render an opinion and whether there has been compliance with Supreme Court Rule 213;
5. Financial affidavit of Income, expenses, assets, debts, executed no more than 14 days prior to trial. See Circuit Rule _____;
6. Marked potential exhibits, with exhibit number and date of hearing;
7. Integrated inventory, listing assets (including the proposed value to be assigned to each asset), debts (including *current* balance and whether secured by property), whether the asset or debt is claimed to be marital or non marital (with concise statement of basis for claim that item is non-marital), each item cross-referenced to pertinent exhibit number(s) supporting value or non-marital claim;
8. List of household goods and personal property requested if in the possession of the other party;
9. Proposed resolution regarding custody and visitation;
10. Proposed calculations of net income, child support and/or maintenance, along with brief statements of claims, if any, for deviations from statutory guidelines.
11. Proposed distribution of marital property and marital debts, including contested personal property, including proposed values and equalization, if any;
12. Proposed allocation of Child Representative/GAL fees/Custody Evaluation fees;
13. Petition for attorney's fees, with affidavit through day of trial;
14. Proposed resolution of other issues.
15. Certification by counsel and the parties that they have met at an in-person ("4-way") settlement conference (unless waived for good cause shown to court), were not successful resolving all issues, exchanged information necessary for the preparation of this Final Pre-trial Memorandum, and discussed the issues required to be presented to the court at trial.

D. Final Hearing:

The case is set for final hearing on _____, 2014 at _____. The Supreme Court Rules (321-330) do **not** require an official court reporter or free transcript in civil cases. Counsel are responsible for providing their own court reporter if desired.

Date: _____

Judge

Petitioner/Petitioner Attorney

Respondent/Respondent Attorney

GAL/Child Representative/Child Attorney

HFS Attorney

State of Illinois,
Circuit Court for the Eleventh Judicial Circuit
McLean County, Illinois

_____))
_____))
Petitioner, _____))
vs. _____)) Case No. _____
_____))
_____))
Respondent. _____)

Final Pre-Trial Memorandum-No Children

Parties (check applicable boxes)

Petitioner Appears ___ pro se ___ with attorney _____

Respondent Appears ___ pro se ___ with attorney _____

Petitioner's date of birth: _____ Respondent's date of birth: _____

Date of Marriage: _____ Date of Separation: _____

Petitioner's current address _____

Respondent's current address _____

Each party is to attach to this final pre-trial memorandum the following information:

1. Statement of issues presented to the court.
2. Stipulations and partial agreements.
3. Potential witnesses, with current address, together with statement of whether witness will render an opinion and whether there has been compliance with Supreme Court Rule 213;
4. Financial affidavit of Income, expenses, assets, debts, executed no more than 14 days prior to trial. See Circuit Rule _____.
5. Marked potential exhibits, with exhibit number and date of hearing;
6. Integrated inventory, listing assets (including the proposed value to be assigned to each asset), debts (including *current* balance and whether secured by property), whether the asset or debt is claimed to be marital or non marital (with concise

statement of basis for claim that item is non-marital), each item cross-referenced to pertinent exhibit number(s) supporting value or non-marital claim.

7. List of household goods and personal property requested if in the possession of the other party;
8. Proposed calculations of net income; and maintenance, if sought;
9. Proposed distribution of marital property and marital debts, including contested personal property, including proposed values and equalization, if any.
10. Petition for attorney's fees, with affidavit through day of trial;
11. Proposed resolution of other issues.

Counsel and parties certify that they have personally met at a settlement conference (unless waived for good cause shown to court), were not successful resolving all issues, exchanged information necessary for the preparation of this Final Pre-Trial Memorandum, and discussed the issues required to be presented to the court at trial.

Date: _____

(Attorney for) Petitioner

(Attorney for) Respondent

Petitioner

Respondent

))
**State of Illinois,
Circuit Court for the Eleventh Judicial Circuit
McLean County, Illinois**

_____))
Petitioner,))
vs.) Case No. _____)
_____))
Respondent.))

Final Pre-Trial Memorandum-With Children

Parties (check applicable boxes)

Petitioner Appears ___ pro se ___ with attorney _____

Respondent Appears ___ pro se ___ with attorney _____

Chile Representative/GAL _____

Petitioner's date of birth: _____ Respondent's date of birth: _____

Date of Marriage: _____ Date of Separation: _____

Petitioner's current address _____

Respondent's current address _____

Dependent children of this relationship:

- _____ M/F _____ DOB _____ lives with _____
- _____ M/F _____ DOB _____ lives with _____
- _____ M/F _____ DOB _____ lives with _____
- _____ M/F _____ DOB _____ lives with _____
- _____ M/F _____ DOB _____ lives with _____

Parenting Class Compliance:

Petitioner ___ has completed ___ has not completed ___ has been excused.

Respondent ___ has completed ___ has not completed ___ has been excused.

Child Custody and Child Support:

The parties have reached agreement as to the following issues:

___ custody ___ parenting time ___ support ___ maintenance

The parties have not been able to reach an agreement with regard to child custody and/or parenting time

___ The parties have made a good faith effort to mediate, without success.

___ The court finds that there is an impediment to mediation.

___ The following temporary orders have previously been entered:

___ Guardian ad Litem appointed: Name _____ Date _____

Custody: _____

Custody Eval ordered: Name _____ Date _____

Visitation: _____

Child Support: _____

Custody & Visitation stipulations: _____

))

Petitioner's statement of custody & visitation issues before the court (use additional sheets if necessary)

Respondent's statement of custody & visitation issues before the court (use additional sheets if necessary)

___ A motion has been filed asking the court to interview minor child or children.

___ The parties have agreed to waive presence of counsel at the *in camera* interview.

Each party is to attach to this final pre-trial memorandum the following information:

1. Statement of issues presented to the court.
2. Stipulations and partial agreements.
3. Potential witnesses, with current address, together with statement of whether witness will render an opinion and whether there has been compliance with Supreme Court Rule 213;
4. Financial affidavit of Income, expenses, assets, debts, executed no more than 14 days prior to trial. See Circuit Court Rule 156;
5. Marked potential exhibits, with exhibit number and date of hearing;
6. Integrated inventory, listing assets (including the proposed value to be assigned to each asset), debts (including *current* balance and whether secured by property), whether the asset or debt is claimed to be marital or non marital (with concise

statement of basis for claim that item is non-marital), each item cross-referenced to pertinent exhibit number(s) supporting value or non-marital claim;

7. List of household goods and personal property requested if in the possession of the other party;
8. Proposed resolution regarding custody and visitation;
9. Proposed calculations of net income, child support and/or maintenance, along with brief statements of claims, if any, for deviations from statutory guidelines.
10. Proposed distribution of marital property and marital debts, including contested personal property, including proposed values and equalization, if any;
11. Proposed allocation of Child Representative/GAL fees/Custody Evaluation fees;
12. Petition for attorney's fees, with affidavit through day of trial;
13. Proposed resolution of other issues.

Counsel/parties certify that they have personally met at a settlement conference (unless waived for good cause shown to court), were not successful resolving all issues, exchanged information necessary for the preparation of this Final Pre-trial Memorandum, and discussed the issues required to be presented to the court at trial.

Date: _____

(Attorney for) Petitioner

(Attorney for) Respondent

Petitioner

Respondent