HOW TO BE A CHILD REP IN DOMESTIC RELATIONS

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I. INTRODUCTION

A. What is a Child Representative?

A Child Representative is a licensed attorney appointed by the Domestic Relations Court for the purpose of representing a child's best interests. *See* 750 ILCS 5/506(a)(3). Child Representatives are appointed in Divorce and Parentage cases where there is some pending dispute regarding Allocation of Parental Responsibilities and Parenting Time (formerly referred to as "custody" and "visitation"). These attorneys have the power to meet with the child and the parties, investigate the facts and circumstances of the case, and encourage settlement and the use of alternative forms of dispute resolution. The Child Representative does not offer opinions, recommendations, or a written report to the Court. Rather, he or she offers evidence-based legal arguments.

B. When is a Child Representative Appointed?

During a contested Divorce or Parentage case, a judge may appoint a Child Representative to provide the Court with impartial information and to advocate for the best interests of a child. In some circumstances, the judge may choose to instead appoint a Guardian *ad Litem* ("GAL") or an Attorney for the Child. A Guardian *ad Litem* is typically appointed when the child is young and unable to voice his or her desires. Similar to a Child Rep, the GAL will meet with the parties and investigate the issues. However, the GAL, unlike a Child Rep, is often expected to file a written report and may be subject to cross-examination on the basis of that report. An Attorney for the Child, meanwhile, acts as independent legal counsel for the child and treats the child in the same way as an adult client.

Each appointment has its own benefits and drawbacks. CVLS chose the Child Representative appointment due to its hybrid role. The Child Rep possesses all of the investigative powers of the Guardian *ad Litem* while maintaining the attorney-client privilege and litigation abilities of the Attorney for the Child. Child Representatives do not file reports. They instead have the ability to file pleadings and engage in dispute resolution, acting as catalysts in cases that have no foreseeable outcome.

C. How is the CVLS Child Rep Program different from the GAL for Minors Program?

You may be interested in Child Rep Program because you have heard about or taken GAL for Minors cases through CVLS. In the GAL for Minors Program, our volunteers serve as court-appointed Guardian *ad Litem* in Minor Guardianship Proceedings. The first main difference between the two programs is the area of law. Child Representatives are appointed in Parentage and Divorce cases. In these cases, the parties are almost always the biological parents of a minor child. The Court has jurisdiction under the Illinois Marriage and

Dissolution of Marriage Act ("IMDMA") as well as the Parentage Act. In these proceedings, rulings are made regarding Parentage, Child Support, Allocation of Parental Responsibilities, and Parenting Time.

Our GAL for Minors program is a partnership with the Cook County Probate Court. These cases operate under the umbrella of the Probate Act, which shares much of the same language as the Illinois Marriage and Dissolution of Marriage Act. However, in a Guardianship Proceeding, it is typically a non-parent who is trying to obtain legal guardianship of a child and the corresponding parental responsibilities.

The second major difference between the programs is the nature of your role. While in certain situations the Court may appoint CVLS as GAL in a Domestic Relations proceeding, the Child Rep Program's intention is to take cases on as Child Representative. A GAL's primary contribution to a case will be his or her written report and recommendation. A Child Representative, on the other hand, does not offer recommendations. The Child Rep is asked to advocate on behalf of the child's best interests through settlement, written pleadings, and oral argument.

D. When is CVLS Appointed as Child Representative?

In cases where the litigants have means, the Court maintains a panel of family law practitioners trained as Child Reps. In cases where the parties have limited means, the Office of the Public Guardian usually intervenes. However, due to a lack of resources and staff, the Public Guardian's Office limits its caseload by strictly excluding itself from cases where both parties are unrepresented. CVLS's Child Representative Program seeks to fill that gap.

The Court may choose to appoint CVLS by Order (Form CCDR 0008A) in any case where the following two requirements are met:

- Neither party is represented by an attorney; and
- The total combined annual income of the parties is equal to or less than $75,000.

E. Why Should I Volunteer as a Child Representative?

While we assume you have some interest or background in family law, you do not need any family law experience to volunteer as a Child Representative. Whether you are interested in developing an existing practice or whether you want to gain exposure to a new area of law, we encourage all interested volunteers to try a Child Rep case.

By volunteering in this program, you ensure that children's voices are heard within the courtroom. These cases can often be challenging, but they are also incredibly rewarding. The

children CVLS is appointed to represent are often the most vulnerable parties in contentious custody cases. Each day, they face risk factors that will have long-lasting implications on the rest of their lives. These children deserve high-quality lawyers to argue for their best interests.

II. GETTING STARTED

A. How to Take a Case

If you are reading this manual, you have likely taken part in our Child Representative Training. If you have not, please contact CVLS to schedule a time to do so. Our video-based trainings are offered on demand and run for just over three hours. These videos are also available on the CVLS website for later review, but in order to satisfy the training requirement, you must watch them at our office.

Once you have successfully attended our Child Rep Training, our program coordinator will e-mail you with your username and password for LegalServer. LegalServer is a web-based application used by CVLS and its volunteers to store and record case information. Once you have your login credentials, you can then access a list of "Pro Bono Opportunities." After indicating your interest in a case on LegalServer, an e-mail will be automatically generated and sent to our program coordinator. If we think you would be a good fit for the case, we will assign it to you.

B. Reviewing What CVLS Has Already Done

Even before getting involved in a case or indicating your interest on LegalServer, CVLS will have prepared a number of items in advance. Prior to your involvement with a case, CVLS obtains digital copies of all necessary pleadings, contacts the parties and performs an intake, and considers the case's difficulty. A case memo, uploaded to LegalServer, provides a summary of the procedural history and an introduction to the factual issues of each case. The memo is often the best place to get started.

> *A quick note about rating cases based on difficulty – our rating system is not exact. Generally, most cases will be rated at the Intermediate level. It is rare that a Child Representative would be needed in a "Simple" case. However, if the parties are generally agreeable and have only minor parenting time issues, we will rate such a case as "Simple." If cases are more contested, they will likely fall into the "Intermediate" category. Inexperienced volunteers should not be dissuaded by an Intermediate-level case, but if you have any concerns about a case's difficulty before getting involved, please consult CVLS.

C. Clarifying the Nature and Scope of Your Appointment

Obtain the appointment order and look at it carefully. Are you a Child Representative or a Guardian *ad Litem*? Is there only one child or are there multiple children? If there are multiple children involved, you may assume that you have been appointed to represent all of them. However, if the order makes reference to children over the age of 18 or to unborn children, you may need to clarify with the Court its expectations.

Depending on the nature of the case and the age of the child, you may request that the Court modify the appointment to reflect the case's specific needs. Some judges have strong feelings about the utility of Child Representatives versus GALs and will ask you to switch roles. If the parties are represented and the child is too young to meaningful contribute to the investigation, you may find it more beneficial to complete a written report. If you feel like you may need to file pleadings or need attorney-client privilege with your child, you may consider switching your role to Child Rep. If you have any questions about a potential change in appointment, please contact CVLS as soon as possible.

D. Filing your Appearance

Your Appearance in the case may be filed in conjunction with a Certified Legal Services Provider (CLSP) form. The Domestic Relations Appearance and CLSP forms are appended to this manual. For help with filing your Appearance or for CVLS's attorney code, please contact the Child Rep Program Coordinator at (312) 332-8252. Once you fill out the form and sign it, CVLS can file it for you without incurring a filing fee.

E. Introducing Yourself to the Parties

After your Appearance has been filed, you may send a letter to the parties introducing yourself and enclosing a copy of your Appearance.

- **Quick Note about Communicating with Counsel**

  For each party that is represented, you must obtain written permission from his or her legal counsel prior to contacting that party. Although CVLS is meant to be appointed on cases where both parties are unrepresented, it is not uncommon for parties to obtain counsel concurrent with or subsequent to our appointment.

  Permission is frequently granted as it eases the process and can be obtained by e-mail. Attorneys will sometimes want to prepare their clients in advance of your meeting. If that is the case, you may want to ask the attorney to have his or her client call you, as a way of ensuring that the client has had a chance to speak to his or her attorney first.

After sending your initial contact letter, you should have brief introductory phone conversation with each parent individually.

- Introduce yourself again and clarify your role. Emphasize that you do not have a confidential relationship with the parents. This is particularly important when parents do not have counsel.
- Set up an in-person appointment with each parent. Ask the parent currently in possession of the child to bring the child to his or her appointment. You may reserve the CVLS children's room by contacting the Child Rep Program Coordinator a few days in advance.
    - Make sure to tell the parents to bring any supporting documentation with them to your initial appointment. This should include proof of residence, proof of income, the child's academic or medical records, and any other information or documentation relevant to your case.

III. MEETING WITH PARENTS

Once you have introduced yourself to the parents either over the telephone or by mail, your goal will be to meet with each parent. If you are meeting with the parent in possession of the minor child, you should aim to speak to the parent independently. Depending on the age of the child, you may ask the parent in possession of the child to bring a family member to watch over the child while you meet with the parent in another room. If the parent is unable to provide supervision, a CVLS staff member is usually available to monitor the child.

When meeting with parents, it is important to re-emphasize your role, including lack of confidentiality. Be clear when letting them know that you have been appointed by the Court to represent the minor child and that anything they say to you can be repeated back to the Court or to the other parent. After explaining your role, you may find it helpful to provide a roadmap of the questions and topics you will be covering in your interview.

- If the parent is wary or apprehensive about meeting with you, you can begin your interview with a series of "easy" questions. You can start by confirming their contact information, their date of birth, and their employment status. It may be easier to dive into "harder" topics after collecting this background information.

Once you have collected the appropriate amount of background information, you will want to get the parent's version of the family and case history. Be careful to remain neutral as you listen to each parent. At certain points during the conversation, you may need to

interrupt excess negativity spoken about the other parent and steer the conversation back to what is relevant.

One of your main goals should be to gain an understanding of each parent's relationship with the child. Assess each parent's ability to care for the child. When possible, always make sure to observe the parent-child interaction. At this point, the CVLS receptionist may be a great source of information as she will have observed the parent and child while they were in the waiting room.

Possible topics for conversation:

- History of parenting responsibilities
- Child's strengths and challenges
- Both parent's strengths and challenges
- How the parents got together and why the relationship failed
- Ask about current and past domestic violence
- Favorite activities with or without the children
- Current relationships and involvement of significant others
- Rules for the children and discipline when rules are broken
- Exposure to conflict – What have the children heard or seen?
- How the child is doing in school
- The parents' goals and long-term vision
- Parents' report of what doctors and teachers say about the child
- References or other people they would like you to interview

For a more detailed guide on how to interview parents, please refer to Page 44 of this training manual.

IV. MEETING WITH THE CHILD

You should meet with the child soon after you first contact the parties. The main purpose of this first interview will be to establish rapport. If the child is very young, it may be enough to simply observe the child's relationship with his or her parent. Make sure to keep the meeting client-centered.

- Ideally, you would conduct several shorter meetings with the child rather than one lengthy meeting, remembering the child's capacity for attention. Frequency of contact depends on the context. You may not meet with an infant or very young child as many times as you would with an older child. In a quickly settled case, you may only have to interview the child once or twice.

You may meet with the child wherever you feel most comfortable, but neutral settings are preferred. In addition to private interview rooms for meeting with adults, CVLS also maintains a small children's room filled with toys, coloring books, and board games. We also have staff members available to monitor the child while you interview parents separately.

Possible topics for conversation:

- Briefly introduce yourself and your role. Let the child know that he or she can always ask questions. Depending on the child's age, you may want to discuss confidentiality using age-appropriate language.

- Start simple. Ask the child about his or her best friends, favorite foods, and interests or hobbies. You can also ask about their favorite classes and activities in school or daycare.

- After developing rapport, you may want to ask the child about the person he or she lives with. Try asking how they get along with siblings, mom and dad, and anyone else in their household.

- It might be helpful to ask the child to describe a typical day in his or her life. What is your daily routine? Who takes you to your activities or to school? Who helps you throughout the day?

- Eventually, and only if the child is comfortable, you may dive into questions about parental discipline, and special issues relevant to your case, such as parenting time, domestic violence, abuse, and neglect. Again, keep context in mind. Try to ask tangential questions that offer insight without being too forward and making the child uncomfortable.

For a more detailed guide on how to interview children, please refer to Page 51 of this training manual.

V. OTHER SOURCES OF INFORMATION

Although interviewing the parents and the minor child will be your largest source of information, you may find the need to obtain information from other sources. This can be especially helpful if you are trying to determine the validity of an allegation made by one parent against the other. The following five categories, though not exhaustive, represent some of the most common ways to supplement your position as Child Representative.

A. School Records

One of the best ways to ascertain the mental and emotional well-being of a child is to review his or her school records. It is not uncommon for children involved in divorce or custody disputes to have suffering grades. Instability, poverty, and parental neglect can all lead to problems in school. You will want to review as many school records as you can, including but not limited to: report cards, social worker reports, disciplinary records, parent-teacher correspondence, and Individualized Education Programs (IEPs).

Teachers are extremely helpful for obtaining information on the child's academic status and emotional or social functioning as they often see the child on a daily basis. Most teachers are quite responsive and invested in the success of their students. However, you may need to provide the school with a consent form for access to certain records or for the ability to ask educators about the child's progress in school.

A sample consent form is provided on Page 64.

B. Medical & Mental Health Records

These records can be helpful not only for your investigation of the child's well-being, but they may also shed light on the ability of the parents to care for your client. Reviewing these records may offer some insight as to services the family needs. For example, a child's treating therapist may be in the best position to advise you on whether or not Therapeutic Supervised Visitation (TSV) between a child and parent may be appropriate.

- **A Quick Note about HIPAA**

  The Health Insurance Portability and Accountability Act (HIPAA) was created by Congress in 1996 to protect the privacy of health information. The act prohibits health care providers from releasing

health care information unless you have provided the health care provider with a HIPAA release form.

Medical providers will almost always ask for a HIPAA release form and you may also have to provide some third parties with a copy of the court order appointing you as Child Representative.

A HIPAA release form is appended to this training manual at page 61. For any questions about filling out this form or for advice about contacting medical providers, please contact CVLS.

C. Criminal Background Checks & DCFS Records

If needed, CVLS can run a Cook County-based criminal background search for you at the Daley Center. Criminal background checks can be helpful to verify allegations of criminal activity made by either party. Similarly, if either or both of the parties have had any involvement with the Department of Child and Family Services (DCFS), CVLS can obtain those records for you.

Please email the Child Rep Program Coordinator with the person's name and date of birth, and we will provide you with a list of any and all Cook County arrests or convictions on that person's record. However, for arrests and convictions outside of Cook County, you may want to ask the Court to order a fingerprint-based background check through an independent agency. Accurate Biometrics, for example, will provide a complete state and federal report for $55.00 per person.

D. Interviewing Third Parties

Throughout your investigation, you will probably uncover a list of individuals other than the parents who possess information relevant to the case. These could be teachers, school counselors, or family members residing in the home of the minor child.

In many Child Rep cases, parents and grandparents to the minor child stay in the same residence. Grandparents are often relied for childcare and may give you good insight into the child's daily functioning.

Strive to be respectful to third parties and mindful of your role. If approaching other family members, consider asking the parent to contact the family member first to inform them that you may be contacting them. As always, remain objective and inform them about the rules of confidentiality.

E. The Home Environment

As you learn more about the child and his or her family, you will likely hear one or both parties make allegations about the home environment of the residential parent. To verify the genuineness of these statements, you may wish to visit the home of the child, but you are not required to do so.

Cook County maintains a government agency called the Department of Adoption and Family Supportive Services (formerly known as the "Office of Adoption and Child Custody Advocacy" or "OACCA"). If you would like to know more regarding the child's home environment, we suggest you ask the Court to appoint this agency to conduct a "Social Home Study Assessment" using Form CCDR N009A.

During the home study, a caseworker will visit each parent at his or her residence and provide a comprehensive report. You may consult with the caseworker at any point during his or her investigation and ask that specific issues be investigated. Following the appointment of the Department of Adoption and Family Supportive Services, a written report is made available to you and the Court within 90 days.

VI. DEVELOPING A POSITION AND SEEKING INTERIM RELIEF

Throughout your involvement as Child Representative, you will be constantly developing your theory of the case. Your position will likely be influenced by your interviews with the parties and the child, by the information you collect from third parties, and by the records you review. Ultimately, you will take a position as to parenting authority, responsibilities, and parenting time that is in the best interests of the child. Make sure you can articulate the reasons why your position is in the children's best interests.

Depending on what the parties are asking for, you will be tasked with forming a position that is in the child's best interests while also considering alternative forms of dispute resolution to reach an agreement. You will want to formulate a detailed plan to either propose settlement, assist in settling the case, or present to the Court where the case does not settle. However, while you are pursuing settlement, you may ask the Court for certain interim relief.

A. Asking the Court for Services

Determine whether certain services are appropriate for the children or parents. You may consult with experts as necessary, such as mental health providers who are already familiar with the family's needs. CVLS maintains a detailed appendix to the Child Representative Training Manual, which lists all available social services within the Chicagoland area. The following are examples of services you may want to advocate for. Generally, these can be obtained by written or oral motion to the Court.

- Supervised visitation or safe exchange may be appropriate either in the short term or on a long-term basis because of serious problems with a parent. The parties must be referred to supervised visitation and safe exchange agencies by court order (Form CCDR N036A).

- Mental health services, including but not limited to, individual counseling, family reunification therapy, anger management classes, and custody evaluations under Rule 604.10(b). Such evaluations can be conducted by Forensic Clinical Services, provided the combined income of the parties does not exceed $55,000.

- Physical medical attention may be required in certain cases. In cases with low-income litigants, you may need to ensure that the parent in possession of the child has all the required information and authority to obtain a medical insurance card or other free medical services.

- If the parties are unable to communicate respectfully or if there is any issue concerning notice as to pick-up and drop-off of the minor child, you may want to ask the Court to order the parties to participate in Talking Parents. Talking Parents is a smartphone application that logs text-based conversations between parties. These logs can later be viewed by the Child Representative and the Court.

- Seek orders to prohibit detrimental behavior by parents toward the children, such as discussing the case with them, berating the other parent to them, or undermining their contact with the other parent. These orders may be sought by way of formal motion or introduced to the Court orally.

- You may also seek to have the parties participate in court-ordered mediation or parenting classes. These services can be ordered free of

charge using the same form as the order for a home study (Circuit Court Rule 13.4(F) Consolidated Referral Order; Form CCDR N009A).

VII. MEDIATION AND SETTLEMENT

Your role as a Child Representative will culminate either by settlement or by court decision. The Court will give you wide discretion in meeting and negotiating with the parties. In fact, judges will often do everything they can to steer the parties toward settlement. It is your job to develop a position and help the parties reach an agreement that is in the child's best interest using the factors in 750 ILCS 5/602.5 and 602.7. You can act according to the context and the particular circumstances of the case. However, you will most likely need to meet with the parties together in an effort to help them "talk it out."

Much of the disagreement and volatility in Child Rep cases comes from the parties' inability to communicate. Often their disagreements, particularly in cases where the only issue is parenting time, can be addressed through mediation. You may find it helpful to have each party think about and create his or her ideal parenting time schedule. Whether or not you are able to meet with parents at the same time will largely depend on your comfort level and the history, including past domestic violence, between the parties. Some simple cases may settle quickly once the parties exchange work schedules and their availability. Other cases may be more complex and will require an ample amount of back-and-forth.

A. Creating a Parenting Plan

The final product of your representation will likely take the form of an Agreed Order or Agreed Parenting Plan. This document will resolve all issues of Allocation of Parental Responsibilities and Parenting Time under 750 ILCS 5/602.5 and 602.7. The relevant statutory language is appended to the end of this training manual and a sample parenting plan can be found on page 90.

i. Allocation of Parental Responsibilities (750 ILCS 5/602.5)

Allocation of Parental Responsibilities ("Allocation," formerly referred to as "custody") refers to the major decision-making powers of each parent. It is split into four main components:

1. Education
2. Medical Care
3. Religion
4. Extracurricular Activities

ii. Parenting Time (750 ILCS 5/602.7)

Parenting Time refers to the time each parent spends with the child. This can take the form of a weekly or monthly schedule, and it will likely encompass holidays, school breaks, special occasions, and summer vacation time.

Both parents are presumed fit and the Court does not place any restrictions on parenting time, unless it finds by a preponderance of the evidence that a parent's exercise of parenting time would "seriously endanger the child's physical, mental, moral, or emotional health." *See* 750 ILCS 5/602.10.

As you continue to meet with the parents and the child throughout the case, you may ask the parents to think about and come up with their own Parenting Plans. Eventually, once a cohesive plan takes shape, the main concerns at issue will become apparent. Think of the Parenting Plan as a living, breathing document. You can be as creative and as flexible as needed to accommodate the parties and their concerns.

VIII. APPEARING IN COURT

Make sure to attend all relevant status, case management, and pre-trial dates. You will want to play an active role in any contested hearings on issues impacting the child. When appropriate, you may file your own pleadings, seek relief orally or by formal motion, and raise your concerns with the Court.

A. Contested Hearings and Trial

If necessary, prepare for trial. At any contested proceeding, you will be expected to contribute on issues related to the children's care. During a contested matter, define the issues yourself on behalf of the child, developing your own legal theory to support the best outcome possible for the child. Do not make recommendations. Instead, make evidence-based legal arguments citing the appropriate law when necessary. Carefully consider opening and closing statements. As a Child Representative, you may prepare and present witnesses in support of your case theory. You can also prepare for cross-examination of opposing witnesses.

If your case looks like it will go to a contested hearing or trial, please contact CVLS so that we can discuss your case in detail and help you prepare.

Child Rep Statute

750 ILCS 5/506

750 ILCS 5/506 – Representation of Child

Sec. 506. Representation of Child.

(a) Duties. In any proceedings involving the support, custody, visitation, allocation of parental responsibilities, education, parentage, property interest, or general welfare of a minor or dependent child, the court may, on its own motion or that of any party, appoint an attorney to serve in one of the following capacities to address the issues the court delineates:

(1) **Attorney**. The attorney shall provide independent legal counsel for the child and shall owe the same duties of undivided loyalty, confidentiality, and competent representation as are due an adult client.

(2) **Guardian ad litem**. The guardian ad litem shall testify or submit a written report to the court regarding his or her recommendations in accordance with the best interest of the child. The report shall be made available to all parties. The guardian ad litem may be called as a witness for purposes of cross-examination regarding the guardian ad litem's report or recommendations. The guardian ad litem shall investigate the facts of the case and interview the child and the parties.

(3) **Child representative**. The child representative shall advocate what the child representative finds to be in the best interests of the child after reviewing the facts and circumstances of the case. The child representative shall meet with the child and the parties, investigate the facts of the case, and encourage settlement and the use of alternative forms of dispute resolution. The child representative shall have the same authority and obligation to participate in the litigation as does an attorney for a party and shall possess all the powers of investigation as does a guardian ad litem. The child representative shall consider, but not be bound by, the expressed wishes of the child. A child representative shall have received training in child advocacy or shall possess such experience as determined to be equivalent to such training by the chief judge of the circuit where the child representative has been appointed. The child representative shall not disclose confidential communications made by the child, except as required by law or by the Rules of Professional Conduct. The child representative shall not render an opinion, recommendation, or report to the court and shall not be called as a witness, but shall offer evidence-based legal arguments. The child representative shall disclose the position as to what the child representative intends to advocate in a pre-trial memorandum that shall be served upon all counsel of record prior to the trial. The position disclosed in the pre-trial memorandum shall not be considered evidence. The

court and the parties may consider the position of the child representative for purposes of a settlement conference.

(a-3) Additional appointments. During the proceedings the court may appoint an additional attorney to serve in the capacity described in subdivision (a)(1) or an additional attorney to serve in another of the capacities described in subdivision (a)(2) or (a)(3) on the court's own motion or that of a party only for good cause shown and when the reasons for the additional appointment are set forth in specific findings.

(a-5) Appointment considerations. In deciding whether to make an appointment of an attorney for the minor child, a guardian ad litem, or a child representative, the court shall consider the nature and adequacy of the evidence to be presented by the parties and the availability of other methods of obtaining information, including social service organizations and evaluations by mental health professions, as well as resources for payment.

In no event is this Section intended to or designed to abrogate the decision making power of the trier of fact. Any appointment made under this Section is not intended to nor should it serve to place any appointed individual in the role of a surrogate judge.

(b) Fees and costs. The court shall enter an order as appropriate for costs, fees, and disbursements, including a retainer, when the attorney, guardian ad litem, or child's representative is appointed. Any person appointed under this Section shall file with the court within 90 days of his or her appointment, and every subsequent 90-day period thereafter during the course of his or her representation, a detailed invoice for services rendered with a copy being sent to each party. The court shall review the invoice submitted and approve the fees, if they are reasonable and necessary. Any order approving the fees shall require payment by either or both parents, by any other party or source, or from the marital estate or the child's separate estate. The court may not order payment by the Department of Healthcare and Family Services in cases in which the Department is providing child support enforcement services under Article X of the Illinois Public Aid Code. Unless otherwise ordered by the court at the time fees and costs are approved, all fees and costs payable to an attorney, guardian ad litem, or child representative under this Section are by implication deemed to be in the nature of support of the child and are within the exceptions to discharge in bankruptcy under 11 U.S.C.A. 523. The provisions of Sections 501 and 508 of this Act shall apply to fees and costs for attorneys appointed under this Section.

(Source: P.A. 99-90, eff. 1-1-16.)

ALLOCATION OF PARENTAL RESPONSIBILITIES AND PARENTING TIME

750 ILCS 5/602.5 & 602.7

750 ILCS 5/602.5 – Allocation of Parental Responsibilities

Sec. 602.5. Allocation of parental responsibilities: decision-making.

(a) Generally. The court shall allocate decision-making responsibilities according to the child's best interests. Nothing in this Act requires that each parent be allocated decision-making responsibilities.

(b) Allocation of significant decision-making responsibilities. Unless the parents otherwise agree in writing on an allocation of significant decision-making responsibilities, or the issue of the allocation of parental responsibilities has been reserved under Section 401, the court shall make the determination. The court shall allocate to one or both of the parents the significant decision-making responsibility for each significant issue affecting the child. Those significant issues shall include, without limitation, the following:

(1) Education, including the choice of schools and tutors.

(2) Health, including all decisions relating to the medical, dental, and psychological needs of the child and to the treatments arising or resulting from those needs.

(3) Religion, subject to the following provisions:

(A) The court shall allocate decision-making responsibility for the child's religious upbringing in accordance with any express or implied agreement between the parents.

(B) The court shall consider evidence of the parents' past conduct as to the child's religious upbringing in allocating decision-making responsibilities consistent with demonstrated past conduct in the absence of an express or implied agreement between the parents.

(C) The court shall not allocate any aspect of the child's religious upbringing if it determines that the parents do not or did not have an express or implied agreement for such religious upbringing or that there is insufficient evidence to demonstrate a course of conduct regarding the child's religious upbringing that could serve as a basis for any such order.

(4) Extracurricular activities.

(c) Determination of child's best interests. In determining the child's best interests for purposes of allocating significant decision-making responsibilities, the court shall consider all relevant factors, including, without limitation, the following:

(1) the wishes of the child, taking into account the child's maturity and ability to express reasoned and independent preferences as to decision-making;

(2) the child's adjustment to his or her home, school, and community;

(3) the mental and physical health of all individuals involved;

(4) the ability of the parents to cooperate to make decisions, or the level of conflict between the parties that may affect their ability to share decision-making;

(5) the level of each parent's participation in past significant decision-making with respect to the child;

(6) any prior agreement or course of conduct between the parents relating to decision-making with respect to the child;

(7) the wishes of the parents;

(8) the child's needs;

(9) the distance between the parents' residences, the cost and difficulty of transporting the child, each parent's and the child's daily schedules, and the ability of the parents to cooperate in the arrangement;

(10) whether a restriction on decision-making is appropriate under Section 603.10;

(11) the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child;

(12) the physical violence or threat of physical violence by the child's parent directed against the child;

(13) the occurrence of abuse against the child or other member of the child's household;

(14) whether one of the parents is a sex offender, and if so, the exact nature of the offense and what, if any, treatment in which the parent has successfully participated; and

(15) any other factor that the court expressly finds to be relevant.

(d) A parent shall have sole responsibility for making routine decisions with respect to the child and for emergency decisions affecting the child's health and safety during that parent's parenting time.

(e) In allocating significant decision-making responsibilities, the court shall not consider conduct of a parent that does not affect that parent's relationship to the child.

(Source: P.A. 99-90, eff. 1-1-16.)

750 ILCS 5/602.7 – Parenting Time

Sec. 602.7. Allocation of parental responsibilities: parenting time.

(a) Best interests. The court shall allocate parenting time according to the child's best interests.

(b) Allocation of parenting time. Unless the parents present a mutually agreed written parenting plan and that plan is approved by the court, the court shall allocate parenting time. It is presumed both parents are fit and the court shall not place any restrictions on parenting time as defined in Section 600 and described in Section 603.10, unless it finds by a preponderance of the evidence that a parent's exercise of parenting time would seriously endanger the child's physical, mental, moral, or emotional health.

In determining the child's best interests for purposes of allocating parenting time, the court shall consider all relevant factors, including, without limitation, the following:

(1) the wishes of each parent seeking parenting time;

(2) the wishes of the child, taking into account the child's maturity and ability to express reasoned and independent preferences as to parenting time;

(3) the amount of time each parent spent performing caretaking functions with respect to the child in the 24 months preceding the filing of any petition for allocation of parental responsibilities or, if the child is under 2 years of age, since the child's birth;

(4) any prior agreement or course of conduct between the parents relating to caretaking functions with respect to the child;

(5) the interaction and interrelationship of the child with his or her parents and siblings and with any other person who may significantly affect the child's best interests;

(6) the child's adjustment to his or her home, school, and community;

(7) the mental and physical health of all individuals involved;

(8) the child's needs;

(9) the distance between the parents' residences, the cost and difficulty of transporting the child, each parent's and the child's daily schedules, and the ability of the parents to cooperate in the arrangement;

(10) whether a restriction on parenting time is appropriate;

(11) the physical violence or threat of physical violence by the child's parent directed against the child or other member of the child's household;

(12) the willingness and ability of each parent to place the needs of the child ahead of his or her own needs;

(13) the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child;

(14) the occurrence of abuse against the child or other member of the child's household;

(15) whether one of the parents is a convicted sex offender or lives with a convicted sex offender and, if so, the exact nature of the offense and what if any treatment the offender has successfully participated in; the parties are entitled to a hearing on the issues raised in this paragraph (15);

(16) the terms of a parent's military family-care plan that a parent must complete before deployment if a parent is a member of the United States Armed Forces who is being deployed; and

(17) any other factor that the court expressly finds to be relevant.

(c) In allocating parenting time, the court shall not consider conduct of a parent that does not affect that parent's relationship to the child.

(d) Upon motion, the court may allow a parent who is deployed or who has orders to be deployed as a member of the United States Armed Forces to designate a person known to the child to exercise reasonable substitute visitation on behalf of the deployed parent, if the court determines that substitute visitation is in the best interests of the child. In determining whether substitute visitation is in the best interests of the child, the court shall consider all of the relevant factors listed in subsection (b) of this Section and apply those factors to the person designated as a substitute for the deployed parent for visitation purposes. Visitation orders entered under this subsection are subject to subsections (e) and (f) of Section 602.9 and subsections (c) and (d) of Section 603.10.

(e) If the street address of a parent is not identified pursuant to Section 708 of this Act, the court shall require the parties to identify reasonable alternative arrangements for parenting time by the other parent including, but not limited to, parenting time of the minor child at the residence of another person or at a local public or private facility.

(Source: P.A. 99-90, eff. 1-1-16.)

Right of First Refusal

750 ILCS 5/602.3

750 ILCS 5/602.3 – Right of First Refusal

Sec. 602.3. Care of minor children; right of first refusal.

(a) If the court awards parenting time to both parents under Section 602.7 or 602.8, the court may consider, consistent with the best interests of the child as defined in Section 602.7, whether to award to one or both of the parties the right of first refusal to provide child care for the minor child or children during the other parent's normal parenting time, unless the need for child care is attributable to an emergency.

(b) As used in this Section, "right of first refusal" means that if a party intends to leave the minor child or children with a substitute child-care provider for a significant period of time, that party must first offer the other party an opportunity to personally care for the minor child or children. The parties may agree to a right of first refusal that is consistent with the best interests of the minor child or children. If there is no agreement and the court determines that a right of first refusal is in the best interests of the minor child or children, the court shall consider and make provisions in its order for:

(1) the length and kind of child-care requirements invoking the right of first refusal;

(2) notification to the other parent and for his or her response;

(3) transportation requirements; and

(4) any other action necessary to protect and promote the best interest of the minor child or children.

(c) The right of first refusal may be enforced under Section 607.5 of this Act.

(d) The right of first refusal is terminated upon the termination of the allocation of parental responsibilities or parenting time.

(Source: P.A. 98-462, eff. 1-1-14; 99-90, eff. 1-1-16.)

Restriction of Parental Responsibilities

750 ILCS 5/603.10

750 ILCS 5/603.10 – Restriction of Parental Responsibilities

Sec. 603.10. Restriction of parental responsibilities.

(a) After a hearing, if the court finds by a preponderance of the evidence that a parent engaged in any conduct that seriously endangered the child's mental, moral, or physical health or that significantly impaired the child's emotional development, the court shall enter orders as necessary to protect the child. Such orders may include, but are not limited to, orders for one or more of the following:

(1) a reduction, elimination, or other adjustment of the parent's decision-making responsibilities or parenting time, or both decision-making responsibilities and parenting time;

(2) supervision, including ordering the Department of Children and Family Services to exercise continuing supervision under Section 5 of the Children and Family Services Act;

(3) requiring the exchange of the child between the parents through an intermediary or in a protected setting;

(4) restraining a parent's communication with or proximity to the other parent or the child;

(5) requiring a parent to abstain from possessing or consuming alcohol or non-prescribed drugs while exercising parenting time with the child and within a specified period immediately preceding the exercise of parenting time;

(6) restricting the presence of specific persons while a parent is exercising parenting time with the child;

(7) requiring a parent to post a bond to secure the return of the child following the parent's exercise of parenting time or to secure other performance required by the court;

(8) requiring a parent to complete a treatment program for perpetrators of abuse, for drug or alcohol abuse, or for other behavior that is the basis for restricting parental responsibilities under this Section; and

(9) any other constraints or conditions that the court deems necessary to provide for the child's safety or welfare.

(b) The court may modify an order restricting parental responsibilities if, after a hearing, the court finds by a preponderance of the evidence that a modification is in the child's best interests based on (i) a change of circumstances that occurred after the entry of an order restricting parental responsibilities; or (ii) conduct of which the court was previously unaware that seriously endangers the child. In determining whether to modify an order under this subsection, the court must consider factors that include, but need not be limited to, the following:

(1) abuse, neglect, or abandonment of the child;

(2) abusing or allowing abuse of another person that had an impact upon the child;

(3) use of drugs, alcohol, or any other substance in a way that interferes with the parent's ability to perform caretaking functions with respect to the child; and

(4) persistent continuing interference with the other parent's access to the child, except for actions taken with a reasonable, good-faith belief that they are necessary to protect the child's safety pending adjudication of the facts underlying that belief, provided that the interfering parent initiates a proceeding to determine those facts as soon as practicable.

(c) An order granting parenting time to a parent or visitation to another person may be revoked by the court if that parent or other person is found to have knowingly used his or her parenting time or visitation to facilitate contact between the child and a parent who has been barred from contact with the child or to have knowingly used his or her parenting time or visitation to facilitate contact with the child that violates any restrictions imposed on a parent's parenting time by a court of competent jurisdiction. Nothing in this subsection limits a court's authority to enforce its orders in any other manner authorized by law.

(d) If parenting time of a parent is restricted, an order granting visitation to a non-parent with a child or an order granting parenting time to the other parent shall contain the following language:

"If a person granted parenting time or visitation under this order uses that time to facilitate contact between the child and a parent whose parenting time is restricted, or if such a person violates any restrictions placed on parenting time or visitation by the court, the parenting time or visitation granted under this order shall be revoked until further order of court."

(e) A parent who, after a hearing, is determined by the court to have been convicted of any offense involving an illegal sex act perpetrated upon a victim less than 18 years of age, including but not limited to an offense under Article 11 of the Criminal Code of 2012, is not entitled to parenting time while incarcerated or while on parole, probation, conditional discharge,

periodic imprisonment, or mandatory supervised release for a felony offense, until the parent complies with such terms and conditions as the court determines are in the child's best interests, taking into account the exact nature of the offense and what, if any, treatment in which the parent successfully participated.

(f) A parent may not, while the child is present, visit any person granted visitation or parenting time who has been convicted of first degree murder, unless the court finds, after considering all relevant factors, including those set forth in subsection (b) of Section 602.7, that it would be in the child's best interests to allow the child to be present during such a visit.

(Source: P.A. 99-90, eff. 1-1-16.)

CVLS Child Rep Pilot Program
General Order 2013 D 3

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
DOMESTIC RELATIONS DIVISION

GENERAL ORDER: 2013 D 3

SUBJECT: Chicago Volunteer Legal Services Pro Bono Child Representative Pilot Program

Effective December 15, 2013, IT IS HEREBY ORDERED THAT:

The purpose of this General Order is to create the Chicago Volunteer Legal Services ("CVLS") Pro Bono Child Representative Pilot Program ("CVLS Pilot Program").

Program Synopsis:

The CVLS Pilot Program is hereby created to address the increase in need of and decrease in availability of pro bono child representatives for the child for Domestic Relations Division cases in the Circuit Court of Cook County.

Attorneys who participate in the CVLS Pilot Program shall be appointed to serve as child representatives for the child in Domestic Relations Division cases where neither party is represented by an attorney and the total combined annual income of the parties is equal to or less than $75,000.00. Attorneys participating in the CVLS Pilot Program shall be supervised by a CVLS attorney who is licensed to practice law in Illinois and who meets all of the minimum requirements to become a child representative/guardian ad litem/attorney for the child pursuant to Cook County Circuit Court Rule 13.9.

Attorney Qualifications/Requirements:

In order to participate and remain in the CVLS Pilot Program, an attorney must:

1. Be licensed to practice law in Illinois;
2. Have no pending or past serious disciplinary actions;
3. Submit to background checks, if requested;
4. Be approved by CVLS to participate in the program;
5. Attend and complete all training programs required by CVLS; and
6. Attend and complete all training programs required by the Presiding Judge of the Domestic Relations.

Once approved to participate in the CVLS Pilot Program, attorneys shall be required to attend a certain number of Domestic Relations Division Child Representative Seminars per year. The required number of seminars per year shall be determined by the Presiding Judge of the Domestic Relations Division.

Eligibility to be Placed on Domestic Relations Division Child Representative List

Once an attorney has completed three (3) cases through the CVLS Pilot Program, the attorney may be placed on the Domestic Relations Division Child Representative List ("List") notwithstanding the attorney's inability to meet the minimum requirements to become a child representative/guardian ad litem/attorney for the child pursuant to Cook County Circuit Court Rule 13.9. In order to be placed and remain on the List, the attorney must:

1. Be licensed to practice law in Illinois;
2. Have no pending or past serious disciplinary actions;
3. Complete a notarized and sworn application provided by the Office of the Presiding Judge of the Domestic Relations Division;
4. Submit to an inquiry regarding all areas of the applicant's past and current profession and/or employment;
5. Submit to other background checks, if requested;
6. Submit to an interview by the Domestic Relations Division Child Representative Screening Committee or other entity designated by the Presiding Judge of the Domestic Relations Division;
7. Be approved by CVLS for placement on the Domestic Relations Child Representative List;
8. Be approved by the Presiding Judge of the Domestic Relations Division to participate in the program;
9. Have and maintain appropriate errors and omissions insurance coverage;
10. Agree to handle a reasonable number of matters representing children on a pro bono basis;
11. Attend and complete all training programs required by the Presiding Judge of the Domestic Relations Division; and
12. Comply with any other requirements promulgated by the Presiding Judge of the Domestic Relations Division for CVLS Pilot Program participants.

If the attorney is added to the Child Representative List, they will have the equivalent status, responsibilities and obligations as any other attorney on the list.

Removal of Attorney from Pilot Program:

CVLS shall have the authority to remove an attorney from the CVLS Pilot Program at anytime prior to the attorney being placed on the Domestic Relations Division Child Representative List. Once the decision to remove an attorney from the program has been made, CVLS shall immediately inform the Office of the Presiding Judge of the Domestic Relations Division. If the removed attorney was serving as a child representative for the child in a case at the time of the attorney's removal, CVLS shall immediately inform the litigants and the judge presiding over the case that the attorney is no longer able to serve as child representative.

Effective December 15, 2013 and dated this 13th day of November, 2013, this Order shall be spread upon the records of this Court and published.

Presiding Judge
Grace G. Dickler

ENTERED: NOV 13 2013

Date Circuit Court-1521

Grace G. Dickler

HON. GRACE G. DICKLER
Presiding Judge
Domestic Relations Division

Order Appointing Child Representative

Form CCDR N008A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE: ❑ Marriage ❑ Civil Union ❑ Legal Separation ❑ Allocation of Parental Responsibilities
❑ Visitation (Non-Parent) ❑ Support ❑ Parentage of:

_____
Petitioner

and

_____
Respondent

No.: _____

Calendar: _____

❑ Prejudgment
❑ Post Judgment - Enforcement
❑ Post Judgment - Modification
❑ Other

ORDER APPOINTING CHILD'S REPRESENTATIVE, GUARDIAN AD LITEM OR ATTORNEY FOR MINOR CHILD(REN)

On motion of _____ and pursuant to 750 ILCS 5/506 and the inherent power of the Court, the Court being fully advised in the premises FINDS THAT:

A. There are issues within the family affecting the minor child(ren):

Child(ren)'s Name(s)	Date of Birth	Resides with	Child(ren)'s Name(s)	Date of Birth	Resides with

B. It is in the best interest of the child(ren) to have a legal representative appointed to protect and preserve their interests.

IT IS HEREBY ORDERED THAT:

1. Name: _____
   Address: _____
   Telephone: _____ Facsimile: _____
   Email: _____
   is appointed ❑ Child's Representative ❑ Guardian Ad Litem ❑ Attorney for the Minor Child(ren)
   Issues: _____
   _____

2. During the proceedings the court may appoint an additional attorney to serve in another of the enumerated capacities on its own motion or that of a party only for good cause shown and when the reasons for the additional appointment are set forth in specific findings.

3. Within seven (7) days of the entry of this order, attorney for ❑ Petitioner ❑ Respondent ❑ other _____ shall send the child's representative, guardian ad litem, or the attorney for the minor child(ren) copies of this order, and all notices, pleadings, orders and reports relative to this cause.

4. The child's representative, guardian ad litem, or the attorney for the minor child(ren) shall be kept fully informed by counsel for all parties as to the status of this cause and shall have the full assistance of counsel in obtaining any waivers (e.g. for school or medical records, etc.) appropriate to the representation of the minor child(ren).

   4234

5. ❑ An appearance shall be filed on behalf of the minor child(ren) within seven (7) days of receipt of this order and any appropriate pleadings within twenty-eight (28) days from the date of this order.

6A. The child's representative, guardian ad litem, or the attorney for the minor child(ren) shall serve pro bono; OR

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6B. ❑ The child's representative, guardian ad litem, or the attorney for the minor child(ren) shall be entitled to reasonable temporary and permanent fees and costs pursuant to statute. Without prejudice to the right of either party for an accounting and an apportionment among the parties, the parties shall pay to the child's representative, guardian ad litem, or the attorney for the minor child(ren) as and for temporary prospective fees, within 7 days, the following amounts:

Hourly Rate: _____

Petitioner: $ _____ Respondent: $ _____

Other: $ _____

7A. ❑ This appointment shall terminate thirty (30) days after entry of final judgment without further order of court; OR

7B. ❑ This appointment shall terminate only upon further order of court.

8. "Unless otherwise ordered by the court at the time fees and costs are approved, all fees and costs payable to an attorney, guardian ad litem, or child's representative under this Section {750 ILCS 5/506} are by implication deemed to be in the nature of support of the child and are within the exceptions to discharge in bankruptcy under 11 U.S.C.A.523. The provisions of Section 501 and 508 of this Act shall apply to fees and costs for attorneys appointed under this Section." {750 ILCS 5/506}

9. Next Court Date: _____

Petitioner's Name: _____

*Address: (Home) _____ Telephone: (Home) _____

*Address: (Work) _____ Telephone: (Work) _____

Petitioner's Attorney: _____ Primary Email: _____

Address: _____ Secondary Email: _____

Telephone: _____ Other: _____

Facsimile: _____

Respondent's Name: _____

*Address: (Home) _____ Telephone: (Home) _____

*Address: (Work) _____ Telephone: (Work) _____

Respondents Attorney: _____ Primary Email: _____

Address: _____ Secondary Email: _____

Telephone: _____ Other: _____

Facsimile: _____

***If a party has not disclosed an address, that party shall designate an alternative address for the purpose of notice.**

Atty. No.: _____

Name: _____

Atty. for: _____

Address: _____

City/State/Zip Code: _____

Telephone: _____

Primary Email: _____

Secondary Email: _____

Other Email: _____

ENTERED:

Dated: _____

_____
Judge Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Supreme Court

Rule 907

Illinois Supreme Court Rule 907
Minimum Duties and Responsibilities of Attorneys for Minor Children

(a) Every child representative, attorney for a child and guardian *ad litem* shall adhere to all ethical rules governing attorneys in professional practice, be mindful of any conflicts in the representation of children and take appropriate action to address such conflicts.

(b) Every child representative, attorney for a minor child and guardian *ad litem* shall have the right to interview his or her client(s) without any limitation or impediment. Upon appointment of a child representative, attorney for the child or guardian *ad litem*, the trial court shall enter an order to allow access to the child and all relevant documents.

(c) As soon as practicable, the child representative, attorney for the child or guardian *ad litem* shall interview the child, or if the child is too young to be interviewed, the attorney should, at a minimum, observe the child. The child representative, attorney for the child or guardian *ad litem* shall also take whatever reasonable steps are necessary to obtain all information pertaining to issues affecting the child, including interviewing family members and others possessing special knowledge of the child's circumstances.

(d) The child representative, attorney for the child or guardian *ad litem* shall take whatever reasonable steps are necessary to determine what services the family needs to address the custody or allocation of parental responsibilities dispute, make appropriate recommendations to the parties, and seek appropriate relief in court, if required, in order to serve the best interest of the child.

(e) The child representative, attorney for the child or guardian *ad litem* shall determine whether a settlement of the custody or allocation of parental responsibilities dispute can be achieved by agreement, and, to the extent feasible, shall attempt to resolve such disputes by an agreement that serves the best interest of the child.

Adopted February 10, 2006, effective July 1, 2006; amended Mar. 8, 2016, eff. immediately.

Mental Health and Developmental Disabilities Confidentiality Act

Section 10(d)

Revised Section 10(d) of the
Illinois Mental Health and Developmental Disabilities
Confidentiality Act (IMHDDCA)

(d) No party to any proceeding described under paragraphs (1), (2), (3), (4), (7), or (8) of subsection (a) of this Section, nor his or her attorney, shall serve a subpoena seeking to obtain access to records or communications under this Act unless the subpoena is accompanied by a written order issued by a judge or by the written consent under Section 5 of this Act of the person whose records are being sought, authorizing the disclosure of the records or the issuance of the subpoena. No such written order shall be issued without written notice of the motion to the recipient and the treatment provider. Prior to issuance of the order, each party or other person entitled to notice shall be permitted an opportunity to be heard pursuant to subsection (b) of this Section. In the absence of the written consent under Section 5 of this Act of the person whose records are being sought, no person shall comply with a subpoena for records or communications under this Act, unless the subpoena is accompanied by a written order authorizing the issuance of the subpoena or the disclosure of the records. Each subpoena issued by a court or administrative agency or served on any person pursuant to this subsection (d) shall include the following language: "No person shall comply with a subpoena for mental health records or communications pursuant to Section 10 of the Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/10, unless the subpoena is accompanied by a written order that authorizes the issuance of the subpoena and the disclosure of records or communications or by the written consent under Section 5 of that Act of the person whose records are being sought."

CVLS Interviewing Guide

CVLS CHILD'S REPRESENTATIVE PROGRAM
INTERVIEWING THE PARTIES

INTERVIEWING ADULTS

The Appointment

Interviews can be conducted in your office or at CVLS. You are not expected to meet the parties in their homes. CVLS' offices are located at 33 North Dearborn, Suite 400. You are welcome to use our offices for interviews anytime during business hours. Although you can also have access to our offices evenings and weekends, we discourage you from making appointments in off hours.

Make sure you give the parties an address and telephone number where they can reach you. Although your office contact information usually works best, if you'd prefer not to use that, feel free to use CVLS' address and telephone number. *DO NOT give out your home number*. Even well intentioned parties may choose to call you at inappropriate times. Many volunteers like to use Google Voice, a free service, to create a number through which you can contact the parties directly and they can contact you without the need to divulge your cell or office number.

Who you will interview

Some litigants will want you to meet with their entire entourage, basically everyone who is on their side. Although this may be appropriate in the long run, the initial interview should be with the parties only. Later you can decide who else *you* want to interview. You are in control of the investigation, not the litigants.

Explaining your role

The parties are likely to be confused as to your role. Some may think you have been appointed to represent them, others may know you've been appointed for the child, but don't understand what that really means. Make it clear, from the beginning, that you do not represent them or any other party in the case. The child is your client. With this, make sure that they understand that you do have confidentiality with the child but not with them. Explain what confidentiality means and that you can, if necessary,

tell the judge what you have learned during your investigation.

Conducting the interview

Interview every person separately, including spouses or significant others. Although you can meet with them together at the end of the interview, always see the people individually at the beginning. Sometimes people will not be comfortable admitting or discussing things when a spouse or other family member is present. Insist on separate interviews, even if people balk—especially if they balk.

Start your interview with background information. Ask everything. Be nosy. Find out everything imaginable about their history, education, family life, job history, mental and physical health, finances. Get as many specifics as you can so you can verify their story later. This is not a time to be shy or discreet. Listen carefully to answers and use your common sense. Make sure the answers make sense. Make sure a time line fits chronologically. Don't be embarrassed to point out gaps or inconsistencies in a story. Keep pushing until you either get answers that make sense or you realize that you never will. Either result is relevant to your investigation.

TIPS FOR INTERVIEWING ADULTS

#1…Gain their trust without breaking confidentiality

At the very beginning of your interview, explain…"I am not your attorney, so we have no confidentiality. That means that anything that you tell me, I am free to share with other people. But, I want you to know, that that doesn't necessarily mean that I am going to. My job is to protect the child, so the last thing I'm here to do is to make trouble for your family. I can't do my job if you're not honest with me, so I want you to tell me everything I need to know. I will promise you that I won't share any sensitive information if I don't think it is absolutely necessary to serve the child's best interest."

Even though you've made it clear that you are not their attorney, most people will open up and tell you what you need to know.

#2…Recognize and diffuse anger at the process

You will probably encounter many parties who seem excessively hostile. It may be directed at you, at the other parties, or at the situation in general. Many times, they are angry that they have to go through the court process. Disarm them by acknowledging their anger and follow up with some reality check questions. Also realize that they may be angry at the process for different reasons.

#3…Be aware of the money issue

Always find out exactly how the parties support themselves and their families, and ask for proof. If anybody tells you that they receive disability income, ask what the disability is. It will give you a good insight into their abilities. It is also revealing if their answer is hazy. Feel free to pursue the issue if they are vague or their claim is suspect. Ask about their medications or frequency of doctor visits. Be wary of a healthy-looking adult under the age of 60 who is on SSI or disability. Often, they have a mental or psychological impairment. That alone will not necessary disqualify them from caring for a child, but you do need to know.

You will often hear parties allege that the other is in it only for the money. Sometimes this is true, and sometimes not. You must first look at whether that assertion squares with the person's behavior. A parent may use a child's social security income to help pay rent, but if he is taking great care of the child and meeting all the child's needs, it is irrelevant. On the other hand, if dad petitioned for custody in response to a child support case, he may want custody to keep from having to pay any money to the mom.

#4…Listen with empathy, without appearing to agree

Sometimes you have to wear the hat of social worker and allow parties to vent. You won't ever get to the meat of the issue if the party thinks they're not being heard. Allow them to vent. Listen without interrupting (within reason); maintain eye contact; do not shake your head in agreement; do not say you understand. Instead, try saying,

"You're pretty angry and I'm not sure I understand. Explain it again."

"It sounds like this situation has been painful for you…"

"It sounds like this has been hard for you…"

Sometimes, just a "Hmmm, hmmm" will do.

You can follow up your empathetic listening with reality check questions to get them to see how the situation has affected the other party, and how their behavior has had a role in it.

"How has this affected your daughter?"

"Do you think anyone else has been hurt by this situation?"

#5…Look out for extreme positions

Parents often say things like:

"I don't want any visitation if I can't have him back."

"Let her go ahead and just adopt him."

"I'd rather he be in DCFS or juvenile detention than with her."

"If she gets him back, I don't ever want to see him again."

"She's never going to be in his life."

All of these are examples of people who are either temporarily angry and lashing out, or are more focused on themselves than the child. To determine which one, you have to square their statement to the rest of their behavior. If it doesn't jive, give them an opportunity to recant, they are probably just angry and lost their cool. Give them a few minutes by themselves, and then repeat what they said to you and ask if they really meant it. If they were just lashing out, then when they have had a few minutes to cool down and they hear the words come out of your mouth, they will say, "of course not". If they stick to it, your decision is easy.

#6…Realize it's difficult for parents to accept that they cannot care for their children

All parents love their kids, no matter what their actions indicate to you. Most parents have a difficult time acknowledging to themselves that they cannot take care of their kids, much less to other family members, the court, and the children themselves.

Their lack of acknowledgment can take many forms.

For example, they grandstand. They go on and on, usually in a loud and boisterous manner about everything imaginable. They put up a fight just for the sake of it, and just so they don't lose face in their own eyes. The grandstanders can be weeded out with homework assignments and with time. They give up a lot easier than their initial rhetoric would indicate. Don't be afraid to wait them out.

They may also focus solely on the faults of the other parent, without ever taking any personal responsibility for what they need to improve to get their kids back. It is important to some parents that they make you think that they are good parents, even though they know otherwise. They may say incongruous things like, "even though my kids haven't lived with me, I've always been there for them." You can ask some reality check questions without putting them on the defensive and making them feel even more disenfranchised.

Don't ask questions like…

> "How have you been there, you don't even visit them?"
>
> "Well, who do you think takes them to school everyday? It hasn't been you".

You can get your point across more effectively without putting them on the defensive…

Say, "Excuse me, I was listening to you, but I'm trying to remember some other things you told me…

> "How far away is Johnny's school, and how does he get there?"
>
> "How often does Johnny have to take his asthma medicine, I forget?"
>
> "How old was he when he got potty trained?"

Hopefully, this will have distracted them from their anger and made them realize that the other paren has been there for a lot of the nitty gritty. If they don't make that connection, they probably never will. Either way, you can then say,

> "I know you want custody, but do you realize that you can still have visitation, and I can put it in a court order so we make sure the mother doesn't interfere with it."

Many parents also refuse to acknowledge their own situations by telling you that they are "in the process." Many are in the process of getting a job, buying a house, getting into rehab, or getting married. Ask concrete questions and demand details. You will most likely find out that they don't have the income to buy a house, have no marketable skills, and have been "engaged" for 10 years.

Evaluate how likely these changes to come actually are. If the child has been with the one parent for 5 years and the other parent is just now articulating these goals, they will most likely forever be "in the process". Congratulate them on their goals, and tell them you look forward to reevaluating the situation when they've actually met them.

#7…Be aware of the impact of socio-economic and cultural differences

It is important to realize that by the simple fact that you are an attorney, you are probably in a different educational and socio-economic class than the majority of the parties in these cases. Often you will also be from a different racial, ethnic background or cultural background. **Be aware of, but not controlled by, the impact of socio-economic and cultural differences.**

Although not everybody in one socio-economic class or culture thinks the same about every issue, you still need to be aware of how one's culture and circumstances effect their attitudes and responses, without digging yourself into a stereotype hole. A party may be reluctant to share personal information with you or may tell you what he or she thinks you want to hear. Sometimes thats a cultural "thing", other times, it's evasion or outright dishonesty. It's not unusual for an inexperienced attorney to be uncomfortable challenging a client's statements or position because, "She said I've never had to raise three children on welfare and I don't know what it's like." That's true, but you do know that the court must consider a parent's ability to support a child when ruling on a custody petition. Remember, it is your job to be objective. Be sensitive, but be professional.

Things to look out for…

- Corporal Punishment…Just be aware that not all cultures look at this issue the same. Be sure to get lots of information when this allegation is made.

Regardless of culture or race, there should never be hitting with an object such as a belt or extension cord, or with a closed fist.

- Counseling…Cultures that have not historically had access to these services are generally distrustful. Don't let that stop you from making it happen, just be aware of the reluctance and always try and refer to services that are in the parties' neighborhood.
- Kids living with relatives in the first place…Some cultures view parenting as a family and community task, others view it as a personal choice and therefore personal responsibility. Don't necessarily be put off by family members or friends caring for children when you wouldn't have chosen that option.
- Privacy with you and the court…Often times, older generations are much more reluctant to share personal information with you, or to accept direction from the court. They can be belligerent that you are getting in their business, or that the court is trying to tell them what to do. Try to alleviate their fears by telling them that the last thing you want to do is to make trouble for their family, but that it is your job to do what you think is best for the child, and you can't do that if they don't cooperate. If they remain belligerent, then you have to take a harder line and make them realize that without the information you must assume the worst, and explain fully what those consequences are.

#8…Give every adult a homework assignment

Don't let any adult leave your office without requesting that they get back to you with some kind of information. This serves many purposes: it keeps the relationship between you going; it tests their follow through skills; it provides you with information you need without you doing the legwork; it tests the veracity of their assertions; it tests their commitment.

Some examples of things you can ask for: report cards; shot records; counselor's name and number; relatives contact information; pay stubs; tax returns;

copies of leases; birth or death records; criminal or DCFS records.

INTERVIEWING THE CHILD

The extent of your contact with your client depends on the child's age. Obviously, you are not going to interview an infant or toddler. However, it may be useful to at least meet with a younger child and to see him or her interact with the parent. Regardless, you should talk with any children ages five and older.

As with adult parties, conduct the interview in your office or at CVLS. Whoever has possession should bring the child along to the interview. However, you should meet with each child separately, outside the presence of the adult or siblings. It is often ok to meet with younger siblings together. Children under the age of seven or eight are often too shy or scared to meet without an older brother or sister. It's ok to see them in a group because, although you won't get much from them verbally, you can gain information by watching them interact with their siblings. However, be sure to always interview older children alone, even if they'd prefer to see you in a group. Sometimes, one child has a strong preference that he cannot divulge in front of another family member.

How to initiate a conversation: Remember, candy and toys are universal tools of bribery. Candy should get any child into your office without fuss (despite what their parents have hopefully taught them) and toys or computer games are sure to distract long enough for the child to let their guard down. Most kids are uncomfortable in an office setting. Don't sit at your desk across from them and take notes. For younger kids, get down on the floor and talk while you play. For older kids have them sit next to you and play a game on the computer, or take them to get a pop while you talk. For those of you in offices with great city views, chat with the child while you both stare out of the window watching the cars, buses, boats, or whatever.

As a rule, girls are much more eager to talk about their family and relationships than boys. For some, it may take only a question or two to get them rolling. Boys tend to talk more freely if their hands are busy doing something else, and they don't have to

make eye contact. Talk to boys while they're doing something, like coloring, playing a computer game or staring out the window

The interview may be awkward at first. After all, you don't often have a seven-year-old boy in your law office playing a game of "go fish" on the floor. Start by asking questions about them. Find out what grade they're in, who their teacher is and the names of the friends. Ask them what they like to do at school, after school and on weekends. What is their favorite TV show and their favorite food. Ask them if they like to cook. Find out what they're typical day is like at home. Find out what they do on weekends. If they have visitation with the other side, find out what they do on visitation, and if they like it. Ask the last thing they did to get in trouble and what happened. Ask about what they like about their bedroom or their home. Ask what they would wish for if they had three wishes. That's always a good question to get them talking.

What not to ask: Be careful about putting kids on the spot. Don't ask them, unless they are high school age, who they want to live with or what they want to happen in the case. This question is obviously useful, but children shouldn't feel like they have the power to make that decision. These kids are in the middle of a split family and often their biggest concern is keeping both sides from getting hurt. Some children will volunteer this information. In most cases, however, you'll have to try to figure it out for yourself.

What to watch out for: Be leery about children who tell you immediately what they want and in perfect grammar. They've probably been coached. Ask a lot of questions, jump around and repeat questions. You'll soon be able to tell.

Don't worry if the kid leaves your office and you don't know what he or she may want, or if you aren't any clearer about the issues than when they came in. Often, you're only trying to get a feel for the child. Sometimes nothing the child says is going to tip you in either direction.

If you feel the child's view is extraordinarily credible or important in a particular case, you can request that the judge do an "in camera" interview with the minor at the

time of trial. The judge will interview the minor in her chambers. The judge will usually allow the parties to submit a list of questions for her to ask at her discretion. Sometimes the judge will request an interview with the child *sua sponte.* Ask if you can be present for that interview, in part to help the child feel more comfortable.

Older children: The wishes of the child are more relevant for older children. Although it does not mean that older children automatically get their way, the court is more likely to listen to them. With teenagers, however, be on the look-out for kids who choose the person who lets them come and go as they please with no discipline.

TIPS FOR INTERVIEWING CHILDREN

#1… Make it fun, not intimidating

In all honesty, it's never going to be really "fun", but try not to make it like a deposition. Don't sit across the desk and take notes. Sit together or stand and look out the window together. Kids love to look at the view of the city or the lake. If you have to take notes, you can make a joke out of it by saying you're losing your memory as you get older. You can go to the vending machine to get a pop together. This gets them out of the office setting, and gives them a few minutes to relax with you. Don't be afraid to bribe with candy or food. No matter what their parents have told them, they will take it from you, and see you as the good guy.

#2… Give them something to do

Kids generally don't like to look at you in the eye and have a serious talk, especially boys. They're more likely to open up if they can do something while they talk to you. You don't need elaborate games to distract them. You can play with yo-yo's as you look out over the lake. You can each draw a picture of each other, or of their mom and grandma. You can play a simple card game like war. You can do an internet

search together for their favorite movie or character. Then once they get engrossed, start asking questions.

#3… Start the conversation out light

Your office probably already intimidates them, don't start out with the heavy questions. Start out with favorite classes, sports, food. Ask what they do on Saturdays and Sundays. This can lead to all sorts of interesting information if they have weekend visitation. Ask what they want to be when they grow up, who their best friend is. Ask what they would wish for if they could have 3 wishes for anything in the world. Some children will wish for a car, an ipod, and a million dollars. Others, however, will wish that mommy stops using drugs or that they have a safe place to live or that their mom and dad stop fighting so much. The answer to that question will let you know how much this whole process is weighing on the child, and how mature the child is.

#4… Tell the child you are there for them, not the adults

Once you feel they're comfortable, ask them if they know why they're in your office. Tell them you are there to represent them in court. You are their attorney. Give them your card and tell them that it is just for them, not their mom or dad. Tell them to keep it in a safe place and to call if they need to tell you anything. This almost makes a secret pact, and kids think it's cool to have a business card just for them. If the child is young enough, you can even shake pinkies. Now you really have their trust.

#5… Watch out for coached answers

Even if you're fairly inexperienced with children, it's not that hard to tell if a kid has been coached. Beware of kids who use vocabulary clearly beyond their years, or tell you a story in exactly the same words as the adult, or who come into your office and tell you a whole litany of stories before you even give your name. Those kids are trying to get it right, before they forget.

The best response is to interrupt and get them off topic. Say you're hot or tired,

and take them for a walk to get a pop. Try and start the interview over again, making it extra light. Once you think they're comfortable, go ahead and ask them if anybody told them what to say to you. Most kids who have been coached will be honest and say yes. Then ask them how they feel about that.

#6… Beware of intimidation

If a child won't say anything and seems petrified to talk to you, it may be more than just being intimidated by being downtown in a lawyer's office. They may have been warned by one of the parties not to talk to you. For example, mom may have told the child that if they live with their dad, she will never be able to see the child again. Or, mom may have threatened the child to not say anything bad about her.

Either way, you need to try and have some fun. Play a game, and don't even talk about the situation. Once you have fun, you may even want to schedule another appointment. In the meantime, talk to outside family members or teachers and ask if the child is normally quiet. If not, have them back and come right out and ask them if they're afraid to talk to you, and why. If they still don't talk, you haven't lost anything.

#7… Watch out for teenagers looking for the easy way out

Older kids who are very vocal about where they want to live are often playing a game. They want to live where the rules are easiest. You can watch out for this issue without ever being direct about it. Always ask about chores and curfew and homework at each home. They usually won't catch on why you're asking and you will know without tipping your hand.

#8… Watch out for kids who are caretakers

On the flipside, are kids who want to live with someone because they feel responsible for younger siblings, or because they take care of a parent. A good way to find out about this is to ask what chores are they responsible for. If they're evasive, ask who does the cooking, laundry, cleans the bathroom, does the babysitting, etc. You'll get a picture of the situation. Also, take note if you see the child comforting a parent.

This can indicate an unhealthy role reversal with the child parenting the adult.

#9. . . Get details when kids allege abuse

Ask for every little detail about every little incident. If they cannot quickly recall details, beware that the child may be alleging abuse just to get to live where they want or has been coached.

Be wary of general terms like “beating” or “whooping”. Different cultures and generations use these terms to mean different things. Get details before jumping to conclusions. Don’t allow a child to just tell you that dad beats her. Ask where, when, how, with what, why, and in front of whom. Ask for specific incidents.

#10…Don’t let the child think they get to decide

When you are far enough into the interview, you can directly ask the child what they want to happen. Before you do, be sure to tell them that they don’t get to decide, that their parents don’t get to decide, that only the judge decides. But tell them, that since you represent them that you want to know what they think.

Domestic Relations Appearance Form

(Form CCDR N004)

0900 - Appearance Filed - Fee Paid
0904 - Appearance Filed - Fee Waived
0909 - Appearance Filed - No Fee Paid
1900 - Appearance and Jury Demand - Fee Paid
1904 - Appearance and Jury Demand - Fee Waived
1909 - Appearance and Jury Demand - No Fee Paid

(04/04/16) CCDR N004

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE: ☐ Marriage ☐ Civil Union ☐ Legal Separation ☐ Allocation of Parental Responsibilities
☐ Visitation (Non-Parent) ☐ Support ☐ Order of Protection

_____
Petitioner

and

_____
Respondent

Case No. _____

Cal. _____

☐ APPEARANCE ☐ JURY DEMAND

I. ☐ BY COUNSEL

I HEREBY ENTER THE APPEARANCE

OF _____
(Insert party's name)

AND MY OWN AS

☐ INITIAL COUNSEL OF RECORD
☐ ADDITIONAL or TRIAL COUNSEL-(Petitioner)
☐ ADDITIONAL or TRIAL COUNSEL-(Respondent)

☐ SUBSTITUTE COUNSEL-(Petitioner)
☐ SUBSTITUTE COUNSEL-(Respondent)

☐ CHILD'S REPRESENTATIVE
☐ GUARDIAN AD LITEM
☐ ATTORNEY FOR CHILD(REN)

☐ OTHER: _____
(Specify)

IN THE ABOVE MATTER

_____
Attorney's Signature

II. ☐ PRO SE

I, _____, HEREBY ENTER MY APPEARANCE IN THE ABOVE MATTER.

_____
Respondent's Signature

III. A copy of this document must be served on all parties not been found by the Court to be in default either by personal service or by U. S. Mail, properly addressed, with first class postage prepaid. Service by mail is complete four (4) days after mailing.

By: _____

☐ Atty. No.: _____ ☐ Pro se 99500

Name: _____

Atty. for: _____

Address: _____

City/State/Zip Code: _____

Telephone: _____

Primary Email: _____

Secondary Email: _____

Tertiary Email: _____

Pro se Only: ☐ I have read and agree to the terms of the *Clerk's Office Electronic Notice Policy* and choose to opt in to electronic notice from the Clerk's Office for this case at this Email address:

_____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Civil Legal Services Provider Form

(Form CCG N642)

IN THE CIRCUIT COURT OF THE COOK COUNTY, ILLINOIS

_____ DEPARTMENT

_____

v.

_____

No. _____

RULE 298 CERTIFICATION FOR WAIVER OF FEES
REPRESENTATION BY CIVIL LEGAL SERVICES PROVIDER OR
COURT-SPONSORED PRO BONO PROGRAM

Pursuant to Supreme Court Rule 298, the undersigned counsel hereby certifies that s/he is an attorney for

_____,
(name of organization or court program)

a civil legal services provider or court-sponsored pro bono program as defined in 735 ILCS 5/5-105.5(a), and that _____
(name of organization or court program)

has made the determination that _____
(name of party)

has income of 125% or less of the current official poverty guidelines or is otherwise eligible to receive services under the eligibility guidelines of the civil legal services provider or court-sponsored pro bono program. As a result, under Supreme Court Rule 298, _____
(name of party)

is eligible to sue or defend without payment of fees, costs or charges as defined at 735 ILCS 5/5-105(a)(1).

_____
Attorney Certification

Name of Organization or Court Program: _____

Atty. No.: _____

Name: _____

Address: _____

City/State/Zip Code: _____

Telephone: _____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Sample Consent for Mental Health Records

CHICAGO VOLUNTEER LEGAL SERVICES

Because equal access to justice is everyone's fight

AUTHORIZATION FOR RELEASE OF PATIENT HEALTH INFORMATION

Please read both sides of this form carefully. The federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), which became effective April 14, 2003, requires that all of the following elements be completed for an authorization to be valid.

Patient Name: _____
Address: _____
City/State/Zip: _____
Phone Number: _____
Date of Birth: _____ Patient's Relationship to Requesting Person: _____

I hereby authorize that the protected health information regarding the above-named person be forwarded:

From:
Person/ organization: _____
Address: _____
City/State/Zip: _____

To:
Robert Zielinski, CVLS
Child Representative Program
33 N. Dearborn St., Suite 400
Chicago, IL 60602

Purpose for Request: Child Representative for _____
(child's name)

Disclosure will include (check all that apply):

___ Face Sheet	___ Discharge Summary	___ Physician Notes
___ Operative Report	___ Pathology Report	___ Emergency Report
___ X-Ray/Radiology	___ EKG/EMG/EEG	___ Consultation Report
___ Nurses' Notes	___ History & Physical	___ Laboratory Report

Other: _____
_____
_____

CHICAGO VOLUNTEER LEGAL SERVICES

Because equal access to justice is everyone's fight

I understand that **I must check one or more** of the following types of health information that **I do not want** released to the above-named Recipient. I understand that if I do not check any of the following three items, the health information released to the named Recipient may include any of the following:

____ Diagnosis, evaluation, and/or treatment for alcohol and/or drug abuse
____ Records of HTLV-III or HIV testing (AIDS test) result, diagnosis, and/or treatment
____ Psychiatric, psychological records or evaluation and/or treatment for mental, physical, and/or emotional illness including narrative summary, tests, social work assessment, medication, psychiatric examination, progress notes, consultations, treatment plans, and/or evaluation

I also understand that this Authorization is subject to revocation/withdrawal by me at any time in writing to the medical record contact person at this site of care except to the extent the action has already been taken to release this information. **This Authorization shall remain valid unless revoked but will expire in one year after signing.**

I have a right to inspect a copy of the health information to be released, and if I do not sign this Authorization, the organization named above will not release my health information. The above named person/organization will not refuse to treat me based on whether I agree to allow my health information to be used and disclosed to others.

Further, if there are any expenses incurred in production of these documents, I shall be liable for same.

Date: _____

_____
Signature of Parent/Legal Guardian

_____
Signature of Patient (if over 12 and mental health records are being requested)

_____
Witness

Re-disclosure: Notice is hereby given to the patient or legal representative signing this Authorization that the Disclosing Part cannot guarantee that the Recipient receiving the requested health information will not re-disclose any or all of it to others. Notice is hereby given to the Recipient that law prohibits the re-disclosure of any health information regarding drug and/or alcohol abuse, HIV, and mental health treatment.

SAMPLE CONSENT FOR SCHOOL RECORDS

CHICAGO VOLUNTEER LEGAL SERVICES

Because equal access to justice is everyone's fight

CONSENT FOR ACCESS TO SCHOOL RECORDS PURSUANT TO THE ILLINOIS SCHOOL STUDENT RECORDS ACT, 105 ILCS 10/6(a)(8)

I, _____, authorize and direct _____ _____, to release: any and all information regarding my minor children, including: any and all notes, reports, or other materials pertaining to the education of _____ _____ to Robert Zielinski of Chicago Volunteer Legal Services, 33 N. Dearborn, Suite 400, Chicago, IL 60602, by _____ for the purpose of representing the best interest of _____ during the pendency of domestic relations litigation. I further give consent to Robert Zielinski, Chicago Volunteer Legal Services, through his agents and assistant, permission to consult and discuss my children's educational needs and progress with school personnel at _____ _____. Additionally, this consent authorizes Chicago Volunteer Legal Services access to my children at said school for interviewing purposes relative to this litigation.

I understand that I have the right to inspect and copy all of my children's school records pursuant to Section 5 of the Illinois School Student Records Act, and that I have the right to challenge the contents of said records pursuant to Section 7 of the Illinois School Students Records Act.

While I understand that I have the right to limit this consent to designated records or designated portions of the information contained therein, I consent to the release of my child's school records without limitation or restriction.

This consent shall be valid until _____. I understand that I may revoke this consent at any time and that such revocation shall be in writing and shall be effective only upon receipt by the person otherwise authorized to disclosure said information.

I understand that if I refuse to consent to this release of information, the ability of Chicago Volunteer Legal Services to represent the best interests of the minor children shall be severely impaired.

Witness: _____ Signature: _____

Date: _____ Date: _____

t 312.332.1624 | f 312.332.1460 | w www.cvls.org
33 North Dearborn Street, Suite 400 Chicago, Illinois 60602

Form Pretrial Memorandum with Schedule H (Custody)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE: ❑ Marriage ❑ Civil Union ❑ Legal Separation ❑ Allocation of Parental Responsibilities
❑ Visitation (Non-Parent) ❑ Support ❑ Parentage of:

_____ **No.:** _____

Petitioner

and

Calendar: _____

_____

Respondent

UNIFORM SETTLEMENT PRETRIAL CONFERENCE MEMORANDUM

PREPARED BY: _____(Petitioner or Respondent)
(Add Addendum if more space is required.)

Date of Civil Union/Marriage: _____ Date of Separation: _____

Petitioner's Age DOB: _____ Respondent's Age DOB: _____

Petitioner's Occupation: _____ Respondent's Occupation: _____

INCOME FROM ALL SOURCES TO DATE (AS CALCULATED FOR CHILD SUPPORT PURPOSES)

	Petitioner	**Respondent**
Last Year's Gross:	$ _____	$ _____
Last Year's Net:	$ _____	$ _____

ASSETS (FROM SCHEDULES A & C)	**Civil Union/ Marital Value[1]**	**P Non-Civil Union/ Non-Marital Value**	**R Non-Civil Union/ Non-Marital Value**
(1) Equity in real estate	$_____	_____	_____
(2) Cash/cash equivalents	$_____	_____	_____
(3) Investment accounts/securities	$_____	_____	_____
(4) Business interests *(including Partnerships, Corporations, LLC's)*	$_____	_____	_____
(5) Stock Options/ESOs (other employment benefits)	$_____	_____	_____
(6) Cash value of life insurance	$_____	_____	_____
(7) Equity in motor vehicles, RVs, boats, aircraft	$_____	_____	_____
(8) Personal property	$_____	_____	_____
(9) IRA accounts, deferred compensation, annuities, 401(k), profit-sharing	$_____	_____	_____
(10) Pension plans	$_____	_____	_____
(11) Other property	$_____	_____	_____
TOTAL ASSETS:	$_____	_____	_____
LESS LIABILITIES (from Schedules B & C): (excluding liens on real estate, motor vehicles, RVs, boats, aircraft)	$_____	_____	_____
Assets Less Liabilities:	$_____	_____	_____
Reimbursement Claim (from Schedule D):	$_____	_____	_____
Dissipation Claim(s) (from Schedule E):	$_____	_____	_____

1 Value listed should reflect most current value of asset

Children's Information

Name(s): _____ School Child Attending: _____

Birthdate: _____ School Expenses/Tuition: _____

Health/Education Issues: _____

Name(s): _____ School Child Attending: _____

Birthdate: _____ School Expenses/Tuition: _____

Health/Education Issues: _____

Name(s): _____ School Child Attending: _____

Birthdate: _____ School Expenses/Tuition: _____

Health/Education Issues: _____

Name(s): _____ School Child Attending: _____

Birthdate: _____ School Expenses/Tuition: _____

Health/Education Issues: _____

Name(s): _____ School Child Attending: _____

Birthdate: _____ School Expenses/Tuition: _____

Health/Education Issues: _____

Other Issues Pertaining to Parties[1]

Petitioner	**Respondent**
Health: _____	_____
_____	_____
_____	_____
Current Income Disputes and Basis:	
_____	_____
_____	_____
_____	_____
Educational History: (Highest degree attained):	
_____	_____
_____	_____
_____	_____

1 See Schedule H if there are issues regarding Allocation of Parental Responsibilities / Parenting Time / Visitation.

SCHEDULE A

CIVIL UNION/MARITAL ASSETS (Add Addendum if more space is required.)

1. Real Estate

	Address	Title in P/R	Date Value	Value	Liens	Net Equity
A.						
B.						
C.						
D.						

Total Equity in Real Estate: _____

2. Cash/Cash Equivalents

	If Institutions/Account No. (Use last 3 digits of account no.)	Title	Date Valued	Value
A.				
B.				
C.				
D.				

Total Value of Cash/Cash Equivalents: _____

3. Investment Accounts/Stock/Bonds/Mutual Funds/Secured/Unsecured Receivables/Other Institutions/Account No.

	(Use last 3 digits of account no.)	Title in P/R	Date Valued	Value
A.				
B.				
C.				
D.				

Total Value of Investment Accounts/Stock/Bonds/Mutual Funds/Secured/Unsecured/Receivables/Other:

_____

_____

_____

4. Business Interests (including Partnerships, Corporations and LLC(s)

	Name of Business	Form of Ownership	% of P/R Ownership	Date Valued	Value
A.					
B.					
C.					
D.					

SCHEDULE A (continued)

CIVIL UNION/MARITAL ASSETS (Add Addendum if more space is required)

5. Stock Options/ESOPS/Other Employee Benefits

	Name of Plan	P/R	Date Valued	Value
A.				
B.				
C.				
D.				

6. Life and Disability Insurance Policies

	Name of Company	Policy Number	Name of Insured	Description of Benefit
A.				
B.				
C.				
D.				

	Owner	Cash Value	Date Valued
A.			
B.			
C.			
D.			

7. Motor Vehicles/RVs/Boats/Aircraft

	Year/Make/Model	Title in P/R	Date Valued	Value	Liens	Net Equity
A.						
B.						
C.						
D.						

8. Personal Property (including coins, stamps, art, antiques, etc.)

	Description	Value	Date Valued	Title in P/R
A.				
B.				
C.				
D.				

SCHEDULE A (continued)
CIVIL UNION/MARITAL ASSETS (Add Addendum if more space is required)

9. IRA Accounts/Deferred Compensation/Annuities/401(k) Profit Sharing

	Institutions/Account No. (Use last 3 digits of account no.)	P/R	Date Valued	Value or Benefit	Type of Plan
A.					
B.					
C.					
D.					

10. Pension Plans

	Name of Plan	P/R	Date Valued	Value or Benefit
A.				
B.				
C.				
D.				

11. All Other Property Not Elsewhere Provided (including choses in action)

	Description	Value	Date Valued	Value or Benefit
A.				
B.				
C.				
D.				

SCHEDULE B
DEBTS/LIABILITIES
(Exclude liens on Real Estate, Autos, RVs, Boats, Aircraft)

	Creditor Name/Last 4 Digits of any Acct. No.	Debtor/Name(s) on Acct. if Applicable	Total Balance Owed	Monthly Payment
A.				
B.				
C.				
D.				

SCHEDULE C
NON-CIVIL UNION/NON-MARITAL PROPERTY, DEBT AND EQUITY

(for Real Estate, Autos, RVs, Boats and Aircraft)

Provide same details as required of assets in Schedule A.

PETITIONER NON-CIVIL UNION/NON-MARITAL

	Asset	Title	Value	Non-Civil Union/ Non-Marital Debt	Date of Value
A.					
B.					
C.					
D.					

Basis of Non-Civil Union/Non-Marital Claim (for above):

A._____
B._____
C._____
D._____

RESPONDENT NON-CIVIL UNION/NON-MARITAL

	Asset	Title	Value	Non-Civil Union/ Non-Marital Debt	Date of Value
A.					
B.					
C.					
D.					

Basis of Non-Civil Union/Non-Marital Claim (for above):

A._____
B._____
C._____
D._____

SCHEDULE D
CLAIMS FOR REIMBURSEMENT FROM ONE ESTATE TO ANOTHER

Amount and Estate from which Reimbursement Claimed and to which Estate it is Due:

_____

_____

Basis for Claims for Reimbursement:

_____

_____

SCHEDULE E
ALLEGED DISSIPATION

State the amount/basis/time frame of each dissipation:

_____

_____

_____

_____

SCHEDULE F
STATEMENT OF LITIGATION EXPENSES PAID AND OWED

	Paid	Owed	As of Date
Petitioner's litigation expenses	$ _____	_____	_____/_____/_____
Respondent's litigation expenses	$ _____	_____	_____/_____/_____
Child Representative litigation expenses	$ _____	_____	_____/_____/_____

SCHEDULE G
MEDICAL INSURANCE

Describe current insurance available and any claims with regards to insurance:

_____

_____

_____

_____

Name of party to carry medical insurance: _____

Outstanding medical obligations and responsibilities:

_____

_____

_____

SCHEDULE H
ALLOCATION OF PARENTAL RESPONSIBILITIES

1. Current order or status in effect relating to Allocation of Parental Responsibilities, Parenting Time or visitation and child support (Describe):

_____

_____

2. Has Petitioner prepared a proposed Parenting Plan? If so, attach a copy.
3. Has Respondent prepared a proposed Parenting Plan? If so, attach a copy.
4. Have the parties prepared a Parenting Plan signed by both parties? If so, attach a copy.
5. If no Parenting Plan has been ordered or served please state the following:

   A. The basis for seeking allocation of parental responsibilities:

_____

_____

_____

_____

   B. Child Support Proposal (If deviation from child support guidelines is requested, state reasons.):

_____

_____

_____

_____

C. Are there any other court proceedings having a bearing on allocation of parental responsibilities, parenting time or visitation and support? (Name of case, type of action and last court order.):

_____

_____

_____

_____

D. Proposed Parenting Plan ❑ HAS ❑ HAS NOT been served.

SETTLEMENT PROPOSAL

1. Maintenance Proposal (Amount, Duration and Reason(s) for Duration or Denial)

_____

_____

_____

_____

2. Allocation of Civil Union/Marital Assets

Asset	Net Value	Petitioner	Respondent
Adjustment for dissipation or reimbursement:			
TOTAL:			

3. Assignment of Non-Civil Union/Non-Marital Property

Asset	Net Value	Petitioner	Respondent
TOTAL:			

4. Assignment of Civil Union/Marital Debt

Creditor	Amount	Petitioner	Respondent
TOTAL:			

5. Assignment of Non-Civil Union/Non-Marital Debt

Creditor	Amount	Petitioner	Respondent
TOTAL:			

6. School Expenses

List Expenses	Party Obligated to Pay

7. Attorneys, Other Litigation Fees and Costs, Proposal

Attorney Fees	Other Litigation Fees and Costs	Proposal

Date Submitted: _____

Submitted by: _____ Signed: _____

Petitioner/Respondent Petitioner/Respondent

Atty. No.: _____

Name: _____

Atty. for: _____

Address: _____

City/State/Zip Code: _____

Telephone: _____

SUPPLEMENTAL UNIFORM SETTLEMENT PRETRIAL CONFERENCE MEMORANDUM

Rule 13.3.3
Custody Disclosure Statement

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

In Re the: ☐ **Marriage** ☐ **Civil Union** ☐ **Custody** ☐ **Support of:**

_____

Petitioner

and

_____

Respondent

No. _____

RULE 13.3.3 CUSTODY DISCLOSURE STATEMENT

INSTRUCTIONS

A. Upon determination by the court that custody is a contested issue, the court may order that this custody disclosure statement be completed by each party to the contested custody issue.

B. The completed custody disclosure statements must be signed, verified, and delivered to opposing counsel, or if no counsel, to the opposing party, but not filed with the court. A certificate of service shall be completed and filed with the court.

C. This custody disclosure statement may be reviewed by the court for pretrial purposes, but shall not become a part of the file.

DISCLOSURE

1. State your name, current address and date of birth.

2. State the name(s) of your child(ren) and date(s) of birth.

3. Are you married to/have a civil union with the other parent?

4. Are there parentage issues? If so, explain.

5. Is there a current Order related to custody or visitation? If so, summarize its terms and provide date of Order.

6. Are there other actions pending related to custody or visitation? Provide case number and explain the proceedings.

7. If you are seeking custody of your child(ren):
   a. Would you be able to devote your full time to the child(ren)'s care and upbringing?

   b. If not, who would be able to devote full time care when you are not available? Please name each person/institution that you will rely on to care for the child(ren).

8. Are there any special needs or medical problems related to the child(ren)? If so, identify the child and your understanding of the problem.

9. Describe your current residence, i.e., number of bedrooms, bathrooms, etc.

10. Do you have any plans to move? If so, when and where?

11. Does anyone live with you? If so, name each person with whom you live; how long you have known him/her them; describe your relationship with him/her/them; and provide a description for each one.

12. If you are presently employed, state your work days and hours and whether you are required to work overtime.

13. For the 24 months preceding your separation, who primarily performed the following duties for the child(ren)? If both, what percentage of each did you perform?

	Petitioner	Respondent
Prepared meals.		
Took the child(ren) to the doctor.		
Administered medication.		
Prepared child(ren) in the morning.		
Put child(ren) to bed.		
Attended parent/teacher conferences.		
Arranged for child care.		
Enrolled child(ren) in extracurricular activities.		
Transported child(ren) to activities.		
Attended child(ren)'s activities and events.		
Assisted with homework.		
If applicable, took the child(ren) to place of worship.		

14. Disclose with particularity the action, inaction or conduct, that you intend to place into evidence at the time of trial or hearing supporting your petition or claim. The description should include dates, places and persons present.

15. Disclose the name of each person that has pertinent information pertaining to custody/visitation of the children. In addition, disclose which, if any, such persons you will call as witnesses.

16. As to each agency, school or other entity, whose records or documents you intend to offer into evidence, reveal the name of the entity, the name of the records or documents, and attach same to this disclosure.

17. If writings, documents, electronic recordings, or photographs are intended to be used in evidence at the time of trial or hearing, disclose the name, address and telephone number of the person or persons who possess those materials.

18. Disclose all documents, writings, electronic recordings, photographs and other physical evidence containing the words, writings or admissions of the other parent that you intend to use during the course of the trial.

19. If you are not granted sole physical custody, state with specificity the visitation time that would be appropriate, including overnights, holidays and school vacations.

20. If you are granted sole physical custody, state with specificity the visitation time that would be appropriate for the other parent.

21. State whether you are aware of disagreement(s) with the other parent concerning the child(ren)'s education, religious upbringing, health care needs, discipline, other (identify) and/or extracurricular activities and, if so, complete the following:

Type of Disagreement	Explain Differences
Education.	
Religious upbringing.	
Healthcare.	
Extracurricular activities.	
Discipline.	

22. Is joint custody a possibility for you?

If new information comes to your attention, you have an obligation to update your answer to keep the disclosure statement current.

THE DISCLOSURE HEREIN WILL NOT BE A SUBSTITUTE FOR COMPLYING WITH RULES OF EVIDENCE AT THE TIME OF TRIAL OR HEARING. HOWEVER, THE DISCLOSURES MAY BE USED TO LIMIT THE SCOPE AND NATURE.

_____

Signature of Party

The foregoing custody Disclosure Statement has been carefully read by the undersigned who states under oath, under penalties as provided by law pursuant to 735 ILCS 5/1-109, that s/he has knowledge of the matters stated and that the statements set forth in this Custody Disclosure Form are true and correct, except as to matters specifically stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that s/he believes same to be true.

_____

Signature of Party

☐ **Petitioner** ☐ **Respondent**

_____

Type or Print Name

Subscribed and sworn to before me this

_____ day of _____, _____

_____

Notary Public

Circuit Court Rule 13.4(f) Consolidated Referral Order

(Form CCDR N009A)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE: ❑ Marriage ❑ Civil Union ❑ Legal Separation ❑ Allocation of Parental Responsibilities
❑ Visitation (Non-Parent) ❑ Support ❑ Parentage of:

_____
Petitioner

and

_____
Respondent

No.: _____

Calendar: _____

❑ **Prejudgment**

❑ **Post Judgment**

CIRCUIT COURT RULE 13.4(f) CONSOLIDATED REFERRAL ORDER

THIS MATTER having been represented as involving allocation of parental responsibilities and/or visitation (non-parent) of the child(ren) of the parties,

IT IS HEREBY ORDERED that the matter is referred as follows:

A. TYPE OF REFERRAL AND AGENCY

❑ **FOCUS ON CHILDREN** parent education program (FOCUS); G. W. Dunne Building, 69 W. Washington, Suite 1000, Chicago, IL 60602; Telephone: (312) 603-1550 FAX: (312) 603-1588 or

Suburban Municipal District _____ located at _____

For ❑ Petitioner 7288 ❑ Respondent 7289 ❑ Focus Class in Spanish

Focus on Children fee assessed for attendance to be collected by the Clerk of the Circuit Court of Cook County is:

❑ $50.00 ❑ $ Set at _____ (4389 - Reduced) ❑ Waived (4388) To be paid by ❑ Petitioner ❑ Respondent

❑ Family Mediation Services; G. W. Dunne Building, 69 W. Washington, Suite 1000, Chicago, IL 60602;
4578 Telephone: (312) 603-1540 FAX: (312) 603-9842 or

Suburban Municipal District _____ located at _____

For ❑ Mediation ❑ Conciliation ❑ Reconciliation ❑ Emergency Intervention

Nature of Emergency: _____

ISSUES: _____

_____

Please check if applicable: ❑ **FOCUS ON CHILDREN IS A PRECONDITION TO MEDIATION.**
The parties and their attorneys are ordered to contact Family Mediation Services immediately when Emergency Intervention has been ordered.

❑ Cook County Department of Adoption and Family Supportive Services; 118 N. Clark Street, Room 806, Chicago, IL
4572 60602; Telephone: (312) 603-0550; Fax: (312) 603-9909 (contact Social Services Coordinator)

For ❑ General Study ❑ Specific Study ❑ Other

ISSUES: _____

_____

❑ 4617 Forensic Clinical Services Department (FCSD); G. W. Dunne Building, 69 W. Washington, Suite 1000, Chicago, IL 60602; Telephone: (312) 603-1584 FAX: (312) 603-9842 (contact Administrator-Domestic Relations Program)

ISSUES: _____

_____

❑ Private resources for ❑ 4621 604(b) Evaluation ❑ 4622 604.5 Evaluation ❑ 4623 Other Evaluation

Name: _____

Address: _____

Telephone and Contact: _____

Costs shall be paid by: _____

ISSUE(S): _____

_____

❑ **CHILDREN AND TEENS SPEAK PILOT PROGRAM:** Please register at Family Mediation Services no later than seven (7) days after entry of this order; G. W. Dunne Building, 69 W. Washington, Suite 1000, Chicago, IL 60602; Telephone: (312) 603-1550 FAX: (312) 603-1588.

The following party is responsible for bringing the child to attend the class on the date scheduled with Family Mediation Services:

❑ Mother ❑ Father ❑ Other: _____

B. SPECIAL CONSIDERATIONS

❑ Pending DCFS Investigation ❑ Order of Protection ❑ Shelter Care ❑ Other Pending Proceedings

C. Identification of Parties, Children, Attorneys

Child(ren)'s Full Name(s)	Age	Date of Birth	Residential Address

Petitioner

Name: _____

*Address: _____

_____

Date of Birth: _____

Home Telephone No.: _____

Work Telephone No.: _____

Petitioner's Attorney

Name: _____

Address: _____

_____

Telephone No.: _____

Fax: _____

Email: _____

Respondent

Name: _____

*Address: _____

_____

Date of Birth: _____

Home Telephone No.: _____

Work Telephone No.: _____

Respondent's Attorney

Name: _____

Address: _____

_____

Telephone No.: _____

Fax: _____

Email: _____

Other

Name: _____

*Address: _____

_____

Date of Birth: _____

Home Telephone No.: _____

Work Telephone No.: _____

Email: _____

Other Attorney

Name: _____

Address: _____

_____

Telephone No.: _____

Fax: _____

Email: _____

Child's Representative / Guardian Ad Litem Attorney for Child

Name: _____

*Address: _____

_____

Telephone No.: _____

Fax: _____

Email: _____

❑ 4574

D. Unless otherwise provided by court order, all Forensic Clinical Services Department (FCSD) evaluations, Cook County Department of Adoption and Family Supportive Services reports and reports or evaluations for Private Resources shall be in writing and sent to the Court and all attorneys of record ten (10) days prior to the date set forth in paragraph E below.

❑ 4406

E. This matter is set for status on _____ at _____ m. in Room _____ at the courtroom located at _____ . The Parties and their attorneys shall appear.

❑ 4253 ❑ 4215

F. For all referrals, except emergency intervention, the attorney for _____ shall contact the referred agency within ten (10) days of the entry of this order and transmit all appropriate pleadings with this order within ten (10) days of the entry of this order. All parties shall promptly and fully comply with the requirements of any referred agency.

Atty. No.: _____

Atty. Name: _____

Atty. for: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Fax: _____

Primary Email: _____

Secondary Email: _____

Tertiary Email: _____

ENTERED:

Dated: _____

_____

Judge Judge's No.

*If a party has not disclosed an address, that party shall designate an alternative address for the purpose of notice.

Supervised Parenting Time/Safe Exchange Order

(Form CCDR N036A)

IN THE CIRCUIT COURT OF THE COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS

IN RE: ☐ Marriage ☐ Civil Union ☐ Legal Separation ☐ Allocation of Parental Responsibilities
☐ Visitation (Non-Parent) ☐ Support ☐ Parentage of:

_____ **No.:** _____

Petitioner

and

_____ **Calendar:** _____

Respondent

SUPERVISED PARENTING TIME / VISITATION (NON-PARENT) ORDER - AGENCY ONLY

This case coming to be heard on ☐ Petitioner's ☐ Respondent's ☐ Other for _____ , all parties being advised of the premises, ☐ Petitioner (☐ with counsel ☐ pro se) ☐ Respondent (☐ with counsel ☐ pro se) appearing and this court having jurisdiction over the subject matter, ☐ by agreement ☐ after hearing,

IT IS HEREBY ORDERED that the ☐ Petitioner ☐ Respondent's ☐ Other shall have

7620☐ Supervised parenting time ☐ Safe exchange with _____ at
7625☐ Supervised visitation (non-parents) Name(s) of Child(ren)

☐ A. Notice of Personal Identity Information within Court Filing form (CCG 0502) has been filed under seal, containing the full name(s) and date(s) of birth of the minor(s).

7621☐ Order for Supervised Parenting Time - Agency Only

7626☐ Order for Supervised Visitation (non-parent) - Agency Only

(Agency checked below is the preferred provider.)

☐ Apna Ghar
4350 N. Broadway, 2nd Floor; Chicago, IL 60602; Telephone: (773) 334-0173; Fax: (773) 334-0963

☐ Metropolitan Family Services
3843 W. 63rd Street,; Chicago, IL 60629; Telephone: (773) 884-3310; Fax: (773) 884-0003

☐ Mujeres Latinas en Acción
1823 W. 17th Street; Chicago, IL 60602; Telephone: (773) 890-7676; Fax: (773) 890-7650

☐ Other professional supervisory service _____
_____

B. **SPECIAL CONSIDERATIONS**

☐ Order of Protection Protected Party: _____ Order No. _____

☐ Other: _____

C. Identification of parties, children, attorney, GAL, and/or child representative

Child(ren)'s Full Name(s)	Age	D.O.B.	Person with whom Child(ren) Reside(s)

Petitioner

Name: _____

*Address: _____

_____

Date of Birth: _____

Home Telephone No.: _____

Work Telephone No.: _____

Petitioner's Attorney

Name: _____

Address: _____

_____

Telephone No.: _____

Fax: _____

(* If party has not disclosed an address, that party shall designate an alternative address for the purpose of notice.)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Respondent

Name: _____

*Address: _____

_____

Date of Birth:_____

Home Telephone No.: _____

Work Telephone No.:_____

Other

Name: _____

*Address: _____

_____

Date of Birth:_____

Home Telephone No.: _____

Work Telephone No.:_____

Respondent's Attorney

Name: _____

Address: _____

_____

Telephone No.:_____

Fax: _____

Other Attorney

Name: _____

Address: _____

_____

Telephone No.:_____

Fax: _____

Child's Representative/Guardian Ad Litem Attorney for Child

Name: _____

Address: _____

_____

Telephone No.:_____

Fax: _____

D. Suggested schedule of parenting time or visitation: Please indicate frequency, i.e. weekly or monthly

_____

(suggested parenting time or visitation schedule is contingent upon supervised visitation center availability and parties must make every effort to make themselves available for supervised visitation.)

E. Parenting time or visitation scheduling restrictions (optional):

_____

F. Costs will be paid as follows:

☐ No Charge:

4386 ☐ Payment is ordered as follows (%): _____

G. Contact with provider:

☐ Petitioner to contact provider before (date): _____, _____.

☐ Respondent to contact provider before (date): _____, _____.

4406 H. This matter is set for status on _____ at _____ ☐ a.m. ☐ p.m. in Room _____

4297 I. The attorney for shall contact the referred agency within ten (10) days of the entry of this order and transmit all appropriate pleadings with this order within ten (10) days of the entry of this order:

4215 ☐ All parties shall promptly and full comply with the requirements of any referring agency.

Atty. No.: _____

Atty. Name: _____

Atty. for:_____

Address: _____

City/State/Zip Code: _____

Telephone: _____

Fax: _____

ENTERED:

Dated: _____

_____

Judge Judge's No.

***If a party has not disclosed an address, that party shall designate an alternative address for the purpose of notice.**

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Sample Parenting Plan

#91139

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – DOMESTIC RELATIONS DIVISION

MOTHER, Petitioner, and FATHER, Respondent.	No. XXXX D XXXX

AGREED ALLOCATION OF PARENTAL RESPONSIBILITIES AND PARENTING PLAN

THIS CAUSE coming to be heard on the agreement of the parties pursuant to the Illinois Marriage and Dissolution of Marriage Act and the Illinois Parentage Act of 2015, the Respondent having voluntarily acknowledged to be the father of the minor child, A.B., born April 1, 2001, by order entered November 1, 2012, the Court having jurisdiction over the subject matter and the parties, and being otherwise fully advised in the premises:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

ARTICLE I
ALLOCATION OF PARENTAL RESPONSIBILITIES AND SIGNIFICANT DECISION-MAKING RESPONSIBILITIES

1. Parental Responsibilities

a. The Mother and Father shall have parental responsibility for the minor child allocated between them, subject to the specific terms, conditions, interpretations and definitions set forth in this Parenting Plan. The parents agree that this allocation is in the best interests of the minor child.

2. Responsibility for Routine Daily Decisions

a. The Father shall have principal authority and responsibility for the daily and ordinary supervision and care of the minor child.

3. Responsibility for Significant Decision-Making Responsibilities

a. The parties agree that Significant Decisions (as defined by Section 602.5(b) of the Illinois Marriage and Dissolution of Marriage Act "IMDMA") include those related to the child's education, including choice of school and tutors; health, including all decisions related to the medical, dental and psychological needs of the child and to the treatments arising or resulting from those needs; religion, subject to the parties' agreement as set forth in the statute; and extracurricular activities.

3.1. EDUCATION:

i. Both parties agree that they shall share responsibility for all major decisions related to the child's education. The parties will strive to prioritize the child's needs and preferences over their own when making educational decisions.

ii. The email addresses, mailing addresses, and telephone numbers of both parents shall be listed in the school telephone directories. Both parents shall also be listed on the school's emergency list and both shall be notified in the event of an emergency involving their child.

iii. Both parties shall be entitled to duplicate originals of the child's school records and each parent shall independently contact the school to obtain these records. Each of the parents shall have the equal right to confer with teachers and counselors concerning their child's education and other activities.

iv. The parties agree to cooperate with each other to effectuate these provisions. If any disagreement occurs after the parties have conferred both orally and in writing, the parties shall be referred to mediation.

3.2. EXTRACURRICULAR AND RECREATIONAL ACTIVITIES:

i. The parents agree that they will be jointly involved in their child's extracurricular activities and, after considering the child's aptitudes and preferences, they shall jointly make all major decisions relating to lessons and extracurricular activities.

ii. Each parent shall have the right to schedule individual lessons and extracurricular activities for the child during his or her parenting time. If any activity might occur during the other parent's time, the scheduling parent must get the other parent's approval. Neither parent will commit a child to any activity until the parent whose approval is sought has approved.

iii. Both parents shall be entitled to duplicate schedules and notifications regarding each child's lessons and extracurricular activities.

iv. Mother and Father will cooperate on decision-making in terms of the child's summer activities. Each parent may investigate the details for any summer camp program which he or she believes may be appropriate for the child. The parties must share all such information and each is encouraged to directly contact any program or camp suggested by the other. In order to accommodate the summer schedules of both parents all summer camp scheduling must be completed no later than forty-five (45) days before the beginning of summer.

v. The parties agree to cooperate with each other to effectuate these provisions. If any disagreement occurs after the parties have conferred both orally and in writing, the parties shall be referred to mediation.

3.3. RELIGION:

i. Both parents agree as to the child's religious upbringing and will cooperate with each other regarding all decisions regarding the religious upbringing of the minor child, including choice of religion or denomination of religion, religious schooling, religious training, and participation in religious customs and practices.

3.4. MEDICAL AND HEALTH CARE:

i. The parents agree that they will share responsibility for major decisions relating to the child's health care. The parties agree that they will conduct themselves in a manner to promote cooperation and involvement of the other party on all matters concerning the child's medical, dental, and mental health needs.

ii. Each parent shall have unfettered access to the child's healthcare providers and medical and dental records, and each parent will provide the other with names, addresses, telephone numbers, and any other relevant information necessary to access providers of any health, psychological, dental or other similar care to their child.

iii. Each parent shall immediately inform the other of any injury or illness of any child which requires any care other than routine medical attention. Unless otherwise agreed to, non-routine procedures (such as appointments for treatments and testing) for the child shall be scheduled when both parties can

attend.

iv. Emergency medical procedures may be authorized by the parent in the physical possession of the child. That parent must make all reasonable efforts immediately to inform the other parent.

v. Elective major medical procedures shall only be performed with the consent of both parents, in accordance with the advice and recommendation of the child's medical providers. Each party maintains the right to timely obtain a second opinion with respect to the medical, psychological and dental care.

vi. Unless otherwise agreed upon, a routine illness is not cause to interrupt the parenting schedule. The parties agree to be sensible and sensitive, however, to the child's comfort when she is recuperating from an illness which might require bed rest.

vii. The parties agree to cooperate with each other to effectuate these provisions. If any disagreement occurs after the parties have conferred both orally and in writing, the parties shall be referred to mediation.

ARTICLE II
ALLOCATION OF PARENTING TIME

1. It is agreed by the parties that Father shall be designated as the residential parent for school registration purposes. Father shall have the majority of parenting time with the minor child and he shall have the minor child at all times when Mother does not. Solely for purposes of any state and federal statute which requires a designation of custody or a custodian, Father shall be designated custodian of the minor child.

2. Mother shall have regular parenting time with the minor child as follows:

a. Mother may exercise parenting time with the minor child during the last three weekends of every month. On those weekends, she shall have parenting time with the minor child from 7:00 p.m. on Friday to 7:00 p.m. on Sunday.

b. Father shall be responsible for dropping the minor child off at the beginning of Mother's parenting time. He shall also be responsible for picking up the minor child at the end of Mother's parenting time.

c. At the time of this agreement, Father is the only parent with a vehicle. The parties recognize and agree that, due to the distance between the parties' homes, it is in the child's best interests to be driven by Father to and from Mother's parenting time. However, the parties also recognize and agree that this is a financial and time burden on Father. As such, Mother shall ask Maternal Grandmother to perform some pick-up and drop-off. If Maternal Grandmother is available, Mother shall inform Father 24 hours in advance, and Maternal Grandmother may do the driving.

d. In the event that both Mother and Father are unable to pick up or deliver the child, a member of his or her extended family or other trusted third party known to both parents may do the driving. However, each party shall provide the other with the name or names of such trusted third party or relative.

3. Holiday Parenting Time

a. Holiday parenting time with the minor child shall be allocated as follows:

Holiday	**Father**	**Mother**
New Year's Eve	Odd Years	Even Years

New Year's Day	Even Years	Odd Years
Easter Sunday	Odd Years	Even Years
Thanksgiving	3:00 p.m. until Mother's next scheduled parenting time session	Thanksgiving Morning until 3:00 p.m. on Thanksgiving Day
Christmas	2:00 p.m. Christmas Day until Mother's next scheduled parenting time session	Christmas Eve Morning until 2:00 p.m. on Christmas Day
Father's Day	All Years	
Mother's Day		All Years
Father's Birthday	All Years	
Mother's Birthday		All Years

b. Both parties shall have access to the child on the child's birthday. The parties agree to coordinate 14 days in advance of the child's birthday to decide on the child's birthday plans. Unless otherwise agreed to by the parties, holiday, birthday and Mother/Father's Day parenting time shall take preference over weekend, summer and vacation parenting time.

c. The parties agree that they will work together so that the child can attend any extraordinary event such as a wedding, funeral, family reunion, and/or family celebration. Each parent shall give the other 14 days' notice of any extraordinary event. If said extraordinary event falls on one of the parent's regularly scheduled weekends, his or her weekend shall be made up at the next available weekend. For example, if an extraordinary event falls on one of Mother's three designated weekends, her lost parenting time that weekend shall be made up on the first weekend of the next month.

4. Summer Parenting Time

a. Parenting time shall continue as designated above throughout the summertime. However, Mother shall be allocated one (1) week of consecutive parenting time during the summer to take the child on vacation.

b. Each parent must give the other 14 days' notice of any planned summer vacation, including the destination, an itinerary of events, the mode(s) of transportation, and contact information for the minor child and the parent taking the child on vacation. Unless otherwise agreed to by the parties, summer vacation shall not interfere with regularly scheduled parenting time.

ARTICLE III
COMMUNICATION BETWEEN THE PARTIES

1. Unless otherwise ordered by the Court or agreed upon by the parties, Talking Parents shall be the preferred method of communication, unless time is of the essence, in which case text messages and phone calls are appropriate. Each parent shall provide their email address and cell

phone number to the other parent.

2. Each parent is under a continuing affirmative obligation to provide the other with updates as to email addresses, mailing addresses, and phone numbers.

3. The parents shall communicate with each other only as to issues directly related to the minor child as required pursuant to this Parenting Plan. Both parties are mutually restrained from stalking, harassing, threatening, intimidating, or interfering with the personal liberty of the other party or the child through any means, including personal contact, telephone contact, e-mail, text messaging directly or indirectly, by making contact through third parties.

4. Neither parent shall undermine the other parent's decisions or authority or denigrate the love and affection that the other parent has for the child.

5. Neither parent shall make disparaging remarks about the other parent or any of the other parent's family members to the child or in the presence of the child.

6. Neither parent shall unreasonably question the child concerning the activities of the other parent.

7. Neither parent shall threaten to withhold the other parent's time with the minor child or threaten to prevent or delay the return the child after parenting time.

8. In the event that either party remarries or is otherwise involved in a new relationship, the new spouse or significant other shall be informed of this agreement and be requested to comply with the letter and spirit of this agreement so as to protect and promote the best interests of the minor child.

ARTICLE IV
RELOCATION

1. Intention of the Parties

a. While the parties anticipate that each will continue to reside within reasonable proximity

of each other in the State of Illinois, in the event either party seeks to permanently relocate the minor child from the State of Illinois, the parties acknowledge the statutory definition of "Relocation" set forth in Section 600(g) of the Act (750 ILCS 5/600(g)) and the applicability of Section 5/609.2 of Act (750 ILCS 5/609.2).

2. Statutory Definition of "Relocation" (750 ILCS 5/600(g))

a. A change of residence from the minor child's current primary residence located in the county of Cook, DuPage, Kane, Law, McHenry or Will to a new residence within this State that is more than 25 miles from the minor child's current residence;

b. A change of residence from the minor child's current primary residence located in a county not listed in paragraph (1) to a new residence within this State that is more than 50 miles from the minor child's current primary residence; or

c. A change of residence from the minor child's current primary residence to a residence outside the borders of this State that is more than 25 miles from the current primary residence.

3. Compliance with Procedural Requirements

a. Father and Mother understand and shall comply with the following terms and provisions of Section 609.2 (750 ILCS 5/609.2), specifically (and with emphasis added):

i. A parent intending a "relocation" as defined above must provide Written Notice ("Written Notice") of the relocation to the other parent under the Parenting Plan. A copy of the notice required under this Section shall be filed with the clerk of the circuit court.

ii. The parent intending relocation must provide at least sixty (60) days Written

Notice before the relocation unless such notice is impracticable (in which case Written Notice shall be given at the earliest date practicable) or unless otherwise ordered by the court. At a minimum, the Written Notice must set forth the following:

1. the intended date of the parent's relocation;
2. the address of the parent's intended new residence, if known; and
3. the length of time the relocation will last, if the relocation is not for an indefinite or permanent period. The court may consider a parent's failure to comply with the notice requirements of this Section without good cause (i) as a factor in determining whether the parent's relocation is in good faith; and (ii) as a basis for awarding reasonable attorney's fees and costs resulting from the parent's failure to comply with these provisions.

iii. If the non-relocating parent signs the Written Notice and the relocating parent files the Written Notice with the court, relocation shall be allowed without any further court action. The court shall modify the Parenting Plan to accommodate a parent's relocation as agreed by the parents, as long as the agreed modification is in the minor child's best interests.

iv. If the non-relocating parent objects to the relocation, fails to sign the Written Notice, or the parents cannot agree on modification of the Parenting Plan, the parent seeking relocation must file a petition seeking permission to relocate.

4. Effect of Relocation 25 miles or less to a new primary residence OUTSIDE OF ILLINOIS

a. Mother and Father understand and acknowledge the following if a parent moves with

the minor child twenty-five (25) miles or less from the minor child's current residence to a new primary residence outside of Illinois, specifically and with emphasis added:

i. If a parent moves with the minor child twenty-five (25) miles or less from the minor child's current primary residence to a new primary residence outside Illinois, Illinois continues to be the home state of the child under subsection (c) of Section 202 of the Uniform Child-Custody Jurisdiction and Enforcement Act. Any subsequent move from the new primary residence outside Illinois greater than twenty-five (25) miles from the minor child's original primary residence in Illinois must be in compliance with the provisions of this Section.

5. Parental Agreement

a. So informed as to all the above referenced terms and provisions regarding relocation, both within and outside the borders of the State of Illinois, Mother and Father hereby retain their right to jointly agree, if they are willing and able, to terms of relocation which may vary, in whole or in part, from the specific boundaries set forth in this Section, so long as the terms to which they agree serve the best interests of their child and each other.

ARTICLE V
MEDIATION AND REVIEW

1. If any disputes arise between the parents as to any of the provisions of this Order, or the modification or implementation thereof, or any other issue relating to the general subject matter of this Order or to the minor child's welfare and best interests, the complaining party shall first notify the other party of the nature of the complaint and both parties shall make

reasonable attempts to negotiate a settlement of the dispute. When practicable under the circumstances, the complaints shall be made in written form and given to the other party.

2. The party receiving said complaint shall, when practicable, reply to the complaint in a similar manner in written form. If the parties are unable to resolve their dispute within seven (7) days, the parties shall participate in the non-binding mediation of their dispute, except as to matters which require immediate attention (e.g., interference with planned vacation) for which disputes the parties may seek resolution and adjudication by a court of competent jurisdiction.

3. Because successful mediation requires the cooperation of both parents, Father and Mother agree to comport themselves in a considerate and restrained manner. Both parties specifically agree not to intimidate or attempt to intimidate the other.

4. Participation in mediation shall not prejudice the right of either party to seek resolution and adjudication of the dispute by a court of competent jurisdiction.

5. The mediation shall be conducted by a mediator appointed by the Court or another mediator in the State of Illinois upon whom the parties agree. The costs of mediation shall be borne equally by the parties.

6. The provisions of this Agreement shall be reviewed by the parties as needed for the purpose of taking into account the changing circumstances, needs and schedules of the parties and the minor child.

ARTICLE VIII
JURISDICTION

1. Illinois continues to be the home state of the minor child pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act. In the event that either party fails to comply with

the terms of this order and fails to return the minor child to the jurisdiction of this Court, the offending party shall pay and be solely responsible for all reasonable attorney's fees, expert fees and other related costs incurred by the other party in connection with the filing and prosecution of any proceedings commenced as a result of the other party's failure to return the minor child to the State of Illinois pursuant to the terms and conditions of this order.

READ AND APPROVED:

MOTHER, Mother	**FATHER, Father**
ATTORNEY, Attorney for Mother	**ATTORNEY, Attorney for Father**

ENTER:

JUDGE

Robert Zielinski
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Child Representative
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