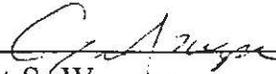


GENERAL ORDER 00-4

IT IS HEREBY ORDERED that by a majority vote of the Circuit Judges of the Sixteenth Judicial Circuit, the attached Amended Local Rule 15.24 is adopted in and for Kane County.

IT IS FURTHER ORDERED that these rules may be adopted by DeKalb and Kendall Counties upon the written order of the Presiding Judge of that County.

ENTER this 1 day of February, 2000.



Grant S. Wegner
Chief Judge

DEBORAH SEYLER
CIRCUIT CLERK
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AMENDED LOCAL RULE 15.24

STANDARDS FOR THE APPOINTMENT OF ATTORNEYS FOR CHILDREN, GUARDIANS AD LITEM, AND CHILD REPRESENTATIVES IN CUSTODY, VISITATION OR REMOVAL PROCEEDINGS.

- (a) To be eligible for appointment as attorney, guardian ad litem, or child's representative for a child in a custody, visitation or removal proceeding in Family Court, a person must be a licensed attorney for a minimum of three (3) years (or associated with a firm which has a qualified attorney), experienced in the practice of family law, must maintain professional liability insurance coverage and must be trained in the representation of children. The training shall be approved by the Presiding Judge of the Family Division and confirmed by the Chief Judge. The Family Law Committee of the Kane County Bar Association shall make training recommendations to the Presiding Judge as needed.
- (b) An attorney who requests to be considered for appointment as attorney, guardian ad litem, or child's representative for a child in a custody, visitation or removal proceeding in Family Court shall make application to the Presiding Judge of the Family Division. An attorney's acceptance of a renewal appointment shall be made on or before May 30 of each year. The Presiding Judge shall send a notice to renew on or before April 1 of each year.
- (c) A guardian ad litem shall not serve as the attorney for the child in the same case. The child's representative shall not serve as the attorney for the child or the guardian ad litem in the same case.
- (d) In appointing an attorney, guardian ad litem or child's representative for a child, the Court shall consider the experience of the attorney, the complexity and factual circumstances of the case, the recommendations or agreements of the parties, and the geographic location of the child's residence, the parties' residences, and the offices of the attorney for the child, the guardian ad litem or child's representative.
- (e) An attorney for a child, guardian ad litem or child's representative shall not be appointed as a mediator in the same case.
- (f) Whenever the Court appoints a child's representative or

a guardian ad litem, the appointment order shall specify the tasks expected of said child's representative or guardian ad litem. Designated counsel shall forward a copy of the appointment order to the attorney for the child, the guardian ad litem and/or the child's representative within 5 days of the entry thereof.

- (g) The attorney for the child, guardian ad litem or child's representative shall, upon retention, file an appearance, be notified of all court appearances and conferences with the judge, and appear unless excused by the Court. There will be no fee for the filing of an appearance as a court-appointed attorney for the child, guardian ad litem or child's representative. Unless previously discharged, the Court shall discharge the attorney for the child, the guardian ad litem or the child's representative at the conclusion of the performance of his or her duties as ordered pursuant to Paragraph f above. Unless previously discharged, the final order disposing of the issues resulting in the appointment shall act as a discharge of the court-appointed attorney for the child, guardian ad litem or child's representative.
- (h) In the appointment order, the Court shall order the parties to pay retainer amounts to the attorney for the child, guardian ad litem or the child's representative by a date certain. The attorney for the child, guardian ad litem or the child's representative shall submit statements to litigants for services rendered on a minimum bi-monthly basis. Unless otherwise determined by the Court, upon good cause shown, both parties shall be jointly and severally liable for the fees and costs of the attorney for the child, guardian ad litem or the child's representative.
- (i) The parties' attorneys shall not interview the child(ren) without the consent of the attorney for the child, guardian ad litem or child's representative. Either the attorney for the child or the guardian ad litem or child's representative, or any of them, shall have the right to be present during such interview.
- (j) The attorney for the child, guardian ad litem or child's representative should take measures to protect the child from harm that may result because of the litigation by striving to expedite the proceedings and encouraging settlement in order to reduce the emotional trauma that can be caused by litigation.

(k) All attorney for the child, guardian ad litem and child's representative appointments shall be made pursuant to a standardized appointment order.

(l) Standards relating to attorneys for children.

The attorney for the child shall at all times act as the advocate for the child.

(m) Standards relating to guardians ad litem.

(a) During the pretrial stage of a case, the guardian ad litem should use appropriate procedures to elicit facts which the Court should consider in deciding the case. The guardian ad litem shall obtain leave of Court to initiate depositions and, except in circumstances of a serious or emergency nature, enforcement and/or fees, to file pleadings.

(b) At a trial or hearing, the guardian ad litem shall make the Court aware of all facts which the Court should consider.

(c) At the discretion of the Court, the guardian ad litem shall submit a written or oral report(s) with or without recommendations by a date certain designated by the Court.

(d) The guardian ad litem may be duly sworn as a witness and be subject to examination by all parties.

(e) At the discretion of the Court, the guardian ad litem may be allowed to call and examine witnesses at trial.

(n) Standards relating to Child's Representative.

The child's representative shall at all times act in accordance with 750 ILCS 5/506 et seq.

Approved by Family Law Committee of the Kane County Bar Association on October 21, 1999.

Approved by the Kane County Bar Association Board of Managers on October 21, 1999.

Approved by majority vote of the Circuit Judges on January 6, 2000.

GENERAL ORDER 00-3

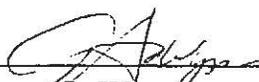
Volunteer Civil Mediation for Forcible Entry and Detainer and Small Claim cases demanding no more than \$2,500.

In an effort to provide the citizens of the 16th Judicial Circuit, Kane County, with an expeditious and expense saving alternative to the traditional litigation in the resolution of Forcible Entry and Small Claims cases demanding no more than \$2,500, a volunteer civil mediation pilot program shall be established in conjunction with Aurora University. This program shall continue until December 31, 2000 at which time it shall be evaluated prior to further implementation.

Mediation under this Order will involve the confidential process by which a neutral mediator assists the litigants in reaching a mutually acceptable agreement. Mediation will require the consent of the parties and approval of the Court. It is further contemplated that the mediator will be available at the Courthouse to mediate on the first date that both parties are in court. In addition, it is not expected that this process will delay the proceedings of the Court.

The parties and their representatives are required to mediate in good faith but are not compelled to reach an agreement.

Entered this 20 day of January, 2000.



Grant S. Wegner
Chief Judge

DEBORAH SEYLLER
CIRCUIT COURT CLERK
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Pursuant to General Order 00-3, the parties may continue to engage in a pilot mediation program established between the Court and Aurora University which will be at no cost to the parties, the Court, nor the County, based upon the following;

Mediation under this program involves a confidential process whereby a neutral mediator, supplied by Aurora University through its Mediation Externship Program and approved by the Court of Kane County, assists the litigants in reaching mutually acceptable agreements. It is an informal and non-adversarial process. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem-solving, exploring settlement alternatives, and reaching agreements. The services of mediation shall be offered at no charge to the litigants, the county or the Court. The parties and their representatives are required to mediate in good faith.

I. SUBJECT MATTERS AND COMMENCEMENT OF MEDIATION

Causes of action available for mediation shall be Forcible Entry and Detainer and Small Claims demanding no more than \$2,500.

Commencement of mediation shall be at the suggestion and through referral of the Court and consent of the parties. The party's consent must be in written form. The written consent should include a waiver of liability and a statement that the parties understand that the mediator will not give legal advice. Mediation shall occur the first date that both parties are present in court unless the Court directs otherwise. The site of the mediation shall be at the Courthouse in a location directed by the Court.

Mediation shall not occur or may be suspended if the Court or mediator at any point in time deems the case inappropriate for mediation.

The mediator will not give legal advice regardless of whether he/she is a licensed attorney.

II. QUALIFICATION OF A MEDIATOR

Aurora University shall provide mediators through their Mediation Externship Program. At minimum, the mediators shall meet the following requirements:

- Shall have satisfactorily completed a 40 or more hour mediation training program approved by the Court and Aurora University.
- If engaged in a licensed discipline, the mediator shall be in good standing and licensed within his/her discipline.
- Shall be present in the courtroom or other assigned place during the court call

designated as the call in which cases may be assigned for mediation, and available to mediate at the assigned times;

- Shall serve at the discretion of the Court and Aurora University;
- Shall be governed by any applicable Court and University rules, requirements, procedures or policies.

III. REFERRAL, ASSIGNMENT, AND PROCESS FOR CASE

1. Upon the court referring a case to mediation, an approved mediator shall immediately commence mediation between the parties.
2. Mediation under the program shall be without cost to the litigants, county, or the court.
3. The parties shall be expected to participate in good faith, willing and desirous of reaching a resolution of their issues. If either party is represented by counsel, they shall have the ability to confer with counsel.
4. The mediator shall have the right to determine who shall be present in the mediation besides the parties and their counsel.
5. This mediation program is designed to give the parties one opportunity to resolve their issues with the help of a mediator. It is not designed to extend to more than one session, unless agreed to by the parties and approved by the court.
6. At the close of mediation, the parties with the assistance of the mediator shall draft any terms for settlement agreed to by the parties. These terms shall be submitted to the Court. Upon approval by the Court, the Court shall enter an appropriate order. If no agreement is reached, the Court shall calendar the matter accordingly.
7. Mediation may be suspended or terminated at the option of the court or the mediator, or at the request of either party. If mediation is suspended or terminated by the mediator or a party or parties, the mediator shall immediately notify the Court of such suspension or termination. The parties shall always have the ability to pursue any legal option available to them under law.

IV. CONFIDENTIALITY

All information disclosed during the mediation shall remain confidential. The mediator and the parties shall be barred from testifying as to any statement made during the mediation process, unless the Court determines the statements admissible. Neither mediation records nor work product of the mediator shall be subpoenaed in any proceeding except by leave of the Court, for good cause shown.

V. CONFLICT OF INTEREST

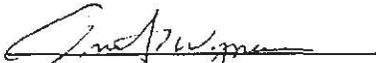
If the mediator has or had any possible conflict of interest, including some type of personal, professional, or economic relationship with either party, he or she shall immediately disclose the potential or actual conflict to the court, and may decline the appointment to the case, or may be removed for the reason of the potential or actual conflict, if the court so chooses.

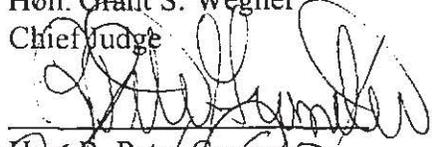
VI. STATISTICS

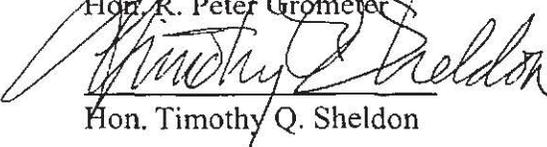
The mediator shall maintain a record of those cases settled by mediation and those not.

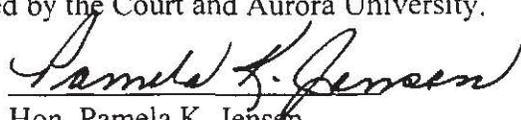
VII. TERM

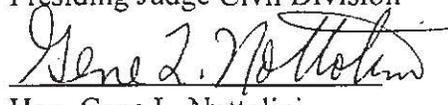
This pilot program shall continue through December 31, 2000. At which time the continuation of the program, will be reviewed by the Court and Aurora University.

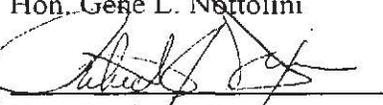

Hon. Grant S. Wegner
Chief Judge


Hon. R. Peter Grometer


Hon. Timothy Q. Sheldon


Hon. Pamela K. Jensen,
Presiding Judge Civil Division


Hon. Gene L. Nattolini


Hon. Patrick J. Dixon