

General Order 01 - 13

IT IS HEREBY ORDERED that by a majority vote of the Circuit Judges of the Sixteenth Judicial Circuit, the attached Second Amended Local Rule 15.25 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.

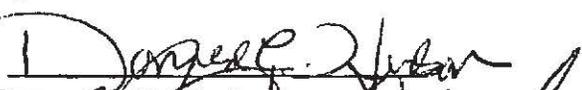
ENTER this 21st day of June, 2001.


Grant S. Wegner, Chief Judge

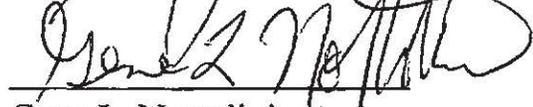

F. Keith Brown

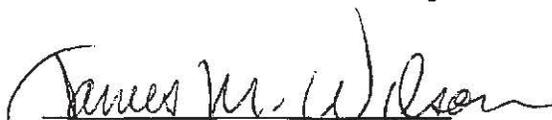

Philip L. DiMarzio

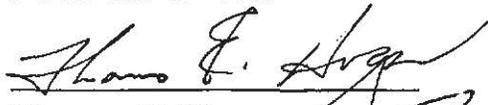

James T. Doyle

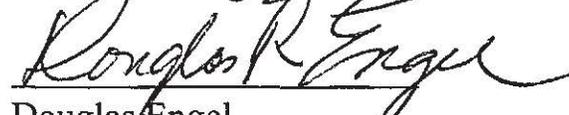

Donata C. Hudson

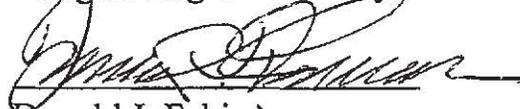

Michael J. Colwell


Gene L. Nottolini


James M. Wilson

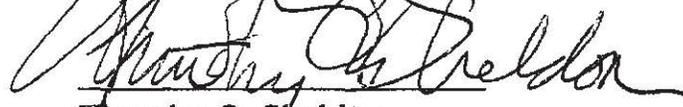

Thomas E. Hogan

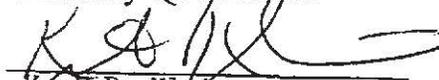

Douglas Engel


Donald J. Fabian


Patrick J. Dixon


Pamela K. Jensen


Timothy Q. Sheldon


Kurt P. Klein

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SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY

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**ATTORNEYS FOR CHILDREN,
GUARDIANS AD LITEM AND CHILD REPRESENTATIVES**

- (a) Standards relating to the appointment of Attorneys for Children, Guardians ad Litem, and Child Representatives in custody, visitation or removal proceedings are as follows:
- (b) 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 an associate 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.
- (c) An attorney who wishes 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 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.
- (d) 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.
- (e) 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.

- (f) An Attorney for a Child, Guardian ad Litem or Child's Representative shall not be appointed as a mediator in the same case.
- (g) Whenever a 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. The designated counsel for the parties shall forward a copy of the appointment order within five (5) days of entry thereof to the Attorney for the Child, the Guardian ad Litem and/or the Child's Representative.
- (h) All Attorney for the Child, Guardian ad Litem and Child's Representative appointments shall be made pursuant to the standardized appointment order. 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 and/or the Child's Representative.
- (i) The Attorney for the Child, Guardian ad Litem or Child's Representative shall, upon retention, file an appearance. The Attorney for the Child, Guardian ad Litem or Child's Representative shall be provided copies of all court orders and pleadings. The Attorney for the Child, Guardian ad Litem or Child's Representative shall be notified of all court appearances and conferences with the judge and appear unless excused by the Court or by agreement of the parties including the Attorney for the Child, Guardian ad Litem or Child's Representative. Failure to give proper notice to the Attorney for the Child, Guardian ad Litem or Child's Representative may result in sanctions including, but not limited to, the vacating of any resulting court order or judgment. 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.
- (j) The parties'/litigants' attorneys shall not interview the child(ren) without the consent of the Attorney for

the Child, and/or Guardian ad Litem and/or Child's Representative. Either the Attorney for the Child, Guardian ad Litem or Child's Representative, or any of them, shall have the right to be present during any such interview.

- (k) The Attorney for the Child and/or Guardian ad Litem and/or Child's Representative should take measures to protect the child from harm that may be incurred as a result of the litigation by striving to expedite the proceedings and encouraging settlement in order to reduce trauma that can be caused by litigation.
- (l) Unless previously discharged, the Court shall discharge the Attorney for the Child and/or the Guardian ad Litem and/or the Child's Representative at the conclusion of the performance of his or her duties as ordered pursuant to Paragraph (g) 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 and/or Guardian ad Litem and/or Child's Representative.
- (m) Standards relating to Attorneys for Children.

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

- (n) Standards relating to Guardians ad Litem.

(1) 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 instigate depositions and, except in circumstances of a serious or emergency nature, enforcement and/or fees, to file pleadings.

(2) At a trial or hearing, the Guardian ad Litem shall make the Court aware of all facts which the Court should consider.

(3) 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.

(4) The Guardian ad Litem may be duly sworn as a witness and be subject to examination by all parties.

(5) At the discretion of the Court, the Guardian ad Litem may be allowed to call and examine witnesses at trial.

(6) Standards relating to Child's Representative.

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

(o) This Second Amended Local Rule 15.25 supercedes the previous Amended Local Rule 15.25.