

IN THE SIXTEENTH JUDICIAL CIRCUIT
GENERAL ORDER 23-20
Effective July 25, 2023

Theresa E. Barreiro
Clerk of the Circuit Court
Kane County, IL

JUL 25 2023

FILED 58
ENTERED _____

IN THE MATTER OF)
LOCAL COURT RULE 14.16A)
PARENTING COORDINATORS)
IN COMPLIANCE WITH)
ILLINOIS SUPREME COURT RULE 909)

WHEREAS, the Illinois Supreme Court recently adopted Rule 909, May 24, 2023, Parenting Coordinators, establishing guidelines for courts to use Parenting Coordinators to resolve minor conflicts that may cause issues in family law cases;

WHEREAS, the Sixteenth Judicial Circuit believes it is in the best interests of family court users, their children, and the court system overall to effectively and efficiently resolve minor conflicts;

IT IS THEREFORE ORDERED, that by a majority vote if the Circuit Judges of the Sixteenth Judicial Circuit, the attached Local Court Rule 14.16A Parenting Coordinators is adopted.

Entered this 25th day of July 2023, and effective July 25, 2023.



Clint Hull, Chief Judge

A true copy of the original of this document is on file in my office

Attest: July 28 20 23

Theresa E. Barreiro
Circuit Court Clerk, Kane County, Illinois

By: Theresa E. Barreiro
Deputy Clerk *[Signature]*

14.16A PARENTING COORDINATOR (Illinois Supreme Court Rule 909)

(a) Appointment. The court may appoint a Parenting Coordinator when it finds the following:

- (1) The parties failed to adequately cooperate and communicate with regard to issues involving their child(ren), or have been unable to implement a parenting plan or parenting schedule;
- (2) Mediation has not been successful or has been determined by the judge to be inappropriate; or
- (3) The appointment of a Parenting Coordinator is in the best interests of the child(ren) involved in the proceedings.

Notwithstanding the above, the court may appoint a Parenting Coordinator by agreement of the parties.

(b) Qualifications. Minimum requirements to be a Parenting Coordinator include:

- (1) Possess a *juris doctor* or a master's degree in social work, psychology, or counseling or higher, or an equivalent degree in a related field;
- (2) Have at least five years of experience in law, mental health, or a related field;
- (2) Complete an approved course on domestic violence; and
- (3) Attend at least four hours per year of continuing education programs, which shall address, at a minimum, psychological issues, and the needs of children in cases of family separation and family dynamics.

The court may waive requirements in paragraphs (1)-(4) above, at its own discretion.

(c) Application and Parenting Coordinator List. The application may be found on the Kane County Law Library & Self-Help Legal Center website.

Completed applications should be submitted to the Family Division Office Staff who will give them to the presiding judge for approval.

A list of those approved to be Parenting Coordinators will be kept by the Family Division Office Staff and updated at least every other year.

(d) Confidentiality. Communications with the Parenting Coordinator shall not be confidential, except that upon the express written agreement of both parties and the Parenting Coordinator, the court may deem all or any specific part of the communications with the Parenting Coordinator to be confidential, if such designation appears to be in the best interests of the child(ren).

(e) Scope of Duties. The Parenting Coordinator shall:

(1) Be free to report knowledge of child abuse and have the immunity of a mandated reporter of child abuse

(2) Not make any recommendations that substantially alter or reconfigure the parties' time-sharing arrangements, alter an award of majority parenting time, designation of custodian, alter the child support obligation and/or percentage allocation of child related expenses, or substantially interfere with a party's contact with the minor children. These decisions are reserved for the Circuit Court of the 16th Judicial Circuit, Kane County, Illinois for adjudication, or other appropriate Court depending on the residence of the minor children

(3) Not have any decision-making authority which is the sole province of the Court

(4) Not serve as a custody evaluator in any proceeding involving one or more parties for whom the Parenting Coordinator has provided parenting coordination services

(5) Not be held liable for civil damages for any act or omission in the scope of the Parenting Coordinators employment or function, unless the Parenting Coordinator acted in bad faith or with malicious purpose, or in a manner exhibiting wanton and willful disregard of the rights, safety, or property of another. If any party believes that there exists a grievance with the Parenting Coordinator which cannot be resolved, that party may bring a motion to have the Parenting Coordinator relieved, provided that the party has first met and conferred with the Parenting Coordinator in an effort to resolve the grievance.

(f) Duties of the Parenting Coordinator. Subject to the parties' Allocation Judgment and any orders relating to child support and allocation of expenses, the Parenting Coordinator shall make recommendations to

- (1) Parenting disputes
- (2) Financial disputes relating to children's expenses
- (3) Conflicts concerning decision-making and parental access related to the minor children

(g) Duties of the Parties:

- (1) Each party agrees that the use of a Parenting Coordinator will provide a more flexible, responsive, and effective way of resolving disputes concerning their child(ren) that otherwise would be made in formal court proceedings by a judge
- (2) Each party shall ensure that the Parenting Coordinator has a method of communication with them (voicemail, e-mail and/or text) which is always activated, available for use, and allows prompt transmission of information
- (3) Each party shall at all times keep the Parenting Coordinator advised of their current address and telephone number
- (4) Each party agrees to give the Parenting Coordinator the power to gather information through interview, correspondence, or other informal means, and to make the recommendations herein described based upon the information provided to and obtained by the Parenting Coordinator
- (5) Except in cases of emergency, the parties shall submit disputes to the Parenting Coordinator prior to seeking relief from the court

(h) Subjects of Recommendations. Recommendations to be made by the Parenting Coordinator, subject to the parties Allocation Judgment and any orders relating to child support and allocation of expenses, shall include but not be limited to:

- (1) Geographic restrictions on a child's residence while in the care of either or both parents reasonably necessary to make existing timeshare arrangement practical
- (2) The time and schedule for a child's opportunities to spend holidays, vacations, and special days in each parent's possession and/or household
- (3) Additional parenting time for a special event or particular circumstance
- (4) Recommendations concerning a child's participation in extracurricular

activities and programs, including but not limited to sports, sports camps, academic enhancement activities, and religious education programs

(5) Parental decisions concerning health care management including medical, dental, orthodontic, mental health and vision care, as well as scheduling of medical, therapeutic, and other appointments

(6) Parental decisions concerning education, including choice of schools, tutoring, participation in gifted or special education programs, scheduling of appointments, including but not limited to, educational appointments such as SAT/ACT courses

(7) Vacation or transportation issues

(8) Clarification of provisions in the Court-ordered parenting plan

(9) Communication with a child(ren) when they are with the other parent

(10) Communication between the parties

(i) Entry of Recommendations. The Parenting Coordinator recommendations shall:

(1) Be immediately effective regardless of appeal or challenge

(2) Be in writing to all parties and counsel

(3) Specify which party shall present the Order to the Court for its entry

(4) Be entered as an Order of the Court within seven (7) days of written transmission to the parties

(j) Challenges to Recommendations:

(1) A party reserves the right to challenge the recommendation by notifying the Parenting Coordinator and the other party in writing, by email or Our Family Wizard, that they intend to challenge the recommendation. A party challenging the recommendation has five (5) days from entry of the Order to notify the Parenting Coordinator and the other party in writing of any challenge, otherwise the recommendation shall be deemed binding upon the parties.

(2) Each party shall provide to the Parenting Coordinator copies of unresolved or otherwise relevant documents, unless protected by attorney-client privilege, relating to sect. (h) Subjects of Recommendations, and all orders of the Court relating to custody and/or visitation and/or allocation of child related expenses within five (5) business days after the entry of the Order.

(3) Copies of all pleadings filed subsequently by either party concerning such matters shall be served on the Parenting Coordinator. Each party shall promptly provide the Parenting Coordinator all reasonable records,

documentation, and information requested by the Parenting Coordinator.

(k) Compensation of the Parenting Coordinator:

Subject to the provisions of the client service agreement that the parties shall execute with the Parenting Coordinator, the Parenting Coordinator's fees are \$300.00 per hour.

The terms of the client service agreement or other contract between the Parenting Coordinator and each party shall also apply.

Time spent in interviewing, review of records and correspondence, telephone conversations, letters, texts, memorandums, reports or other document preparation, court preparation, settlement conferences and any other time (including travel time) invested in connection with serving as Parenting Coordinator will be billed at the \$300.00 hourly rate.

Telephone calls, emails, and text messages to the Parenting Coordinator by either party are part of the process and will be billed at the \$300.00 hourly rate.

The Parenting Coordinator will require an advance deposit of \$1,500.00, with any balance credit to be returned to the parties at the end of the Parenting Coordinator's tenure.

Once the initial advance deposit is exhausted, the Parenting Coordinator may request an additional deposit or bill the parties monthly.

The Parenting Coordinator shall be paid within fourteen (14) days of receipt of billing.

Any objection to the Parenting Coordinator's bills must be brought to the parties' and the Parenting Coordinator's attention in written form within seven (7) days of the billing date, otherwise the billing shall be deemed agreed to and accepted.

The Parenting Coordinator shall not be required to perform any work if there are outstanding unpaid fees.

In order to prevent either party from frustrating the purposes of this process by failing to pay fees, the Parenting Coordinator may elect to continue to provide services despite nonpayment, and shall be entitled to payment for such services.

Kane County Local Rule

The Parenting Coordinator may, at their discretion, elect to bill one party for certain services, should the Parenting Coordinator determine that said party is abusing the Parenting Coordination process.

The Court reserves jurisdiction to enforce the provisions of the client service agreement and this Local Court Rule.