

CIRCUIT COURT OF ILLINOIS

SIXTH JUDICIAL CIRCUIT

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**ADMINISTRATIVE ORDERS ENTERED IN 2022**

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SIXTH JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER 2022 – 1

**AMENDMENT TO ADMINISTRATIVE ORDER 94-11, CONCERNING  
ALCOHOL/DRUG EVALUATIONS IN DUI MATTERS**

**WHEREAS**, Administrative Order 94-11 was entered in 1994, and amended multiple times, to establish a procedure for alcohol/drug evaluations in DUI cases and

**WHEREAS**, the Order requires an Addendum which includes a series of questions for which the answers are generally known from the evaluation itself and

**WHEREAS**, the Order also requires a drug test and results to be provided to the Court and

**WHEREAS**, at the time of sentencing, a defendant has not been required to begin substance abuse treatment and often has not done so and

**WHEREAS**, a condition of a community-based sentence requires a defendant to take periodic drug tests at the request of a probation officer:

**THEREFORE**, effective immediately, the Addendum and drug test are no longer required as a condition of the plea and sentence for a DUI matter in this Circuit. All other procedures and requirements set forth in Administrative Order 94-11 continue in full force and effect.

4-25-22  
Date

R. B. Rosenbaum  
Randall B Rosenbaum, Chief Judge  
Sixth Judicial Circuit

CIRCUIT COURT OF  
ILLINOIS  
SIXTH JUDICIAL CIRCUIT  
CIRCUIT ADMINISTRATIVE ORDER 94-11

**SUBJECT: Alcohol/Drug Evaluation, Risk Education and Treatment -  
Reports of Licensed Evaluators**

No defendant in the Sixth Judicial Circuit, State of Illinois, unless convicted of a non-probationable offense shall be sentenced for the offense of Driving While Under the Influence of Alcohol, other drug, or combination thereof [625 ILCS 5/11-501] (DUI) or Reckless Driving reduced from a DUI unless the Alcohol and Drug Abuse Evaluation conforms in all respects with the requirements of this Administrative Order. Any defendant who refuses to provide such an evaluation or does not show a good faith effort in cooperating in the evaluation process will have failed to provide mitigation for the sentencing hearing pursuant to 730 ILCS 5/5-5-3.1 and may be sentenced to a term of incarceration not to exceed 364 days if charged as a misdemeanor or, the maximum term allowed pursuant to this section, if judgment is entered as a felony. If, in the opinion of the evaluator, the defendant does not show a good faith effort in the evaluation process, the evaluator shall forthwith report to the court such lack of good faith and a detailed explanation thereof.

I. ACCESS TO SERVICES:

Licensed DUI Evaluation and DUI Remedial Education Programs shall have a written policy, pursuant to the Department of Human Services, Office of Alcoholism and Substance Abuse regulations and acceptable to the court, which assures services will be provided to all defendants under the same terms and conditions regardless of ability to pay for these services. In those incidents when a defendant must have a DUI Evaluation performed and is incarcerated in the County Jail or correctional center, the licensed DUI evaluator shall conduct the evaluation with the exception of the computer portion of the Drivers Risk Inventory (DRI) or Adult Substance Use and Driving Survey Revised for Illinois (ASUDS-RI), in the County Jail

or correctional center, which shall be scheduled in cooperation with the County Sheriff's Office/Jail staff. The Jail staff shall transport the defendant to the DUI Evaluator's facility within the sentencing county at a mutually agreed time and date by the jail staff and evaluator to complete the computer portion of the DRI or ASUDS-RI. If a mutual time or date cannot be agreed upon, the court shall set the time for transportation of defendant to the Evaluator's facility.

Licensed DUI Evaluation Programs must have the ability to provide evaluations to the courts for non-English speaking defendants; said Programs shall have a written policy that insures either the ability to conduct evaluations or provide written referrals to programs with the ability to conduct and provide DUI evaluations for non-English speaking defendants.

II. TIMELINESS OF REPORTS:

The Licensed DUI Evaluation Program shall provide reports for both fee paying and indigent defendants.

DUI Evaluation Report shall be provided in a timely manner in compliance with Department of Human Services, Division of Alcoholism and Substance Abuse, regulations and court orders, and prior to the scheduled hearing date.

III. EVALUATION REPORT FORMAT:

All DUI Evaluation Reports shall be completed utilizing the State of Illinois Alcohol and Drug Evaluation Uniform Report form authorized by the State of Illinois Department of Human Services.

Any DUI Evaluation which is performed for the Court shall occur following the DUI violation presently before the Court ~~and shall include at least a four panel test, testing for the~~

~~following drugs: amphetamines/methamphetamines, cocaine, opiates, and THC. All testing must be in a format and using equipment and devices approved by the United States Food and Drug Administration (FDA). Unless there is a signed admission of use by the person being tested, positive tests must be confirmed by a fluorescent polarization immunoassay or radioactive immunoassay performed by a technician trained in the operation of the device working with a certified technician. All drug testing departments shall also perform an FDA approved adulteration test for urine received unless the agency performing the test is specifically exempted from using this test by the court. The adulteration test should test for specific gravity, PH, nitrates, and creatinine.~~

The Court shall not accept any DUI Evaluation Report which does not conform to the authorized format stated in this Order or which is based solely upon DUI violations occurring prior to the DUI violation presently before the Court.

All DUI Evaluation Programs shall use the DRI, DRI-II or ASUDS-RI in every evaluation presented to the Court. A Mortimer-Filkins (MF) test may also be given in conjunction with the DRI for evaluation purposes.

Any evaluation of a defendant which classifies the defendant as Minimal Risk, or Moderate Risk, which has a combined MF score of 40-49, a significant risk on the Alcohol and Drug Scale of the DRI, designated in the "substance abuse" category of the DRI-II, or significant risk score (a weighed score of 7 - 10) on the ASUDS-RI must attach a detailed explanation as to why the defendant does not have a Description of Intervention Services of a Significant Risk. Any evaluation with a combined MF score of 50 or higher, a DRI alcohol or drug risk range of "High" designated as "substance dependent" category of the DRI-II or a high risk score (a weighted score of 11-18) on the ASUDS-RI, must attach a detailed explanation as to why the defendant does not have a Description of Intervention Services of a High Risk. ~~Every DUI~~

~~Evaluation must attach an addendum in substantially the same form as in Appendix A of this Order certifying that the following questions were asked, and answers given by the defendant:~~

~~Aside from this case~~

~~(a) Have you ever been convicted, placed on court supervision, received a notice to appear in court, or been arrested as an adult or juvenile for any offense committed after having used alcohol or any other drug?~~

~~(b) Have you ever been convicted, placed on court supervision, received a notice to appear in court, or been arrested for an offense involving the use or possession of alcohol or any other drug?~~

~~(c) Have you ever received a traffic citation for illegal transportation of alcohol as a driver or passenger?"~~

~~If the answer to any of those questions is "yes," the evaluation must also contain a general description of the incidents, substance(s) used, the appropriate date of the incident, and the disposition. A detailed explanation will be provided on the addendum by the evaluator for defendants with two non-DUI incidents listed on the addendum who are not, evaluated as a Significant Risk or higher. The addendum shall be certified and signed by both the evaluator and defendant.~~

If the BAC level (if provided) and the reported consumption at the time of the occurrence is not consistent, or the defendant's overall responses are evasive, not reliable or not consistent, as noted in sections 2.11 or 8.1 of the Uniform Report, the evaluator must provide a detailed explanation. This explanation shall address the overall impact of this inconsistency in determining the credibility of the defendant's reported alcohol/drug history. A detailed explanation of how the risk level was established shall be provided for those with a poor degree of credibility who are not a High Risk.

#### IV. DUI EVALUATOR AND REMEDIAL EDUCATION LICENSING:

All DUI evaluators who provide DUI Evaluation Reports to the Court, and all DUI Risk Education Programs utilized by the Court, shall be licensed by the Department of Human Services, Division of Alcoholism and Substance Abuse.

The Court shall not accept reports submitted by, or refer any DUI defendant to, programs which have not received proper licensure.

#### V. EVALUATION AGENCY TESTIMONY:

DUI evaluators who provide DUI Evaluation Reports to the Court shall be available to the Court to testify regarding the findings of their evaluation report as presented in the State of Illinois Alcohol and Drug Evaluation Uniform Report. Written notice by regular U.S. Mail, postage prepaid, to the evaluator is sufficient notice. Summons to the evaluator is not required.

#### VI. DUI EVALUATION REPORT DISTRIBUTION:

The licensed DUI evaluator must submit the original State of Illinois Alcohol Drug Evaluation Uniform Report directly to the Clerk of the Circuit Court of the County where the case is pending. The court need not accept an evaluation delivered by the defendant or his/her counsel.

A "refused evaluation" is defined as an evaluation that the defendant has failed to complete or refused to sign. Notice of refused evaluations must be submitted to the appropriate Clerk of the Circuit Court before the scheduled court date.

The evaluating program shall secure authorization for release of confidential

information for the Probation/Court Services Department, for the County of venue. The evaluating program will provide a copy of the evaluation report to said departments if the Probation Department has been directed to conduct a presentence investigation.

The Clerk of the Circuit Court shall place the original State of Illinois Alcohol and Drug Evaluation Uniform Report in the defendant's court file in a sealed envelope.

The Clerk of the Circuit Court shall maintain the DUI Evaluation Report in such a manner that assures its confidentiality and shall not release the report for public review except by order of Court.

#### VII. COURT REQUIREMENTS:

Any State of Illinois Alcohol and Drug Evaluation Uniform Report that does not comply with all the terms of this order shall not be accepted by the Circuit Court for purposes of sentencing for DUI or Reckless Driving reduced from DUI.

The sentencing court may require the attendance of the defendant upon the termination date of a sentence of probation conditional discharge or court supervision to show successful completion of all aspects of the sentencing order.

#### VII. DUI RISK EDUCATION PROGRAM REPORTING:

The DUI Risk Education or Treatment Program shall provide the Court, or its designee, with reports regarding the compliance or non-compliance and successful or unsuccessful completion of any defendant ordered to the program by the Court. The report shall be made in a timely manner and no later than 30 days after compliance or non-compliance for both fee paying and indigent defendants.

All defendants ordered to the DUI Risk Education or Treatment Program shall sign a



court approved "Release of Information" form directing the agency providing such a program to forward reports to the Court and/or its designee.

**IX. EFFECTIVE DATE:**

This amendment to this Order becomes effective as of November 17, 2016, for any and all hearings on or after that date.

ENTER:

Dan Flannell, Chief Judge  
Sixth Judicial Circuit  
Original Order entered October 20, 1994  
Amendments to Order: October 31, 1994  
October 15, 1996  
March 8, 2000  
May 24, 2000  
August 1, 2003  
November 17, 2016  
April 25, 2022

CIRCUIT COURT OF ILLINOIS

SIXTH JUDICIAL CIRCUIT

THIS ADDENDUM WILL BE COMPLETED DURING EVERY DUI EVALUATION WITH COPIES ATTACHED TO THE UNIFORM REPORT SUBMITTED TO THE COURT OF VENUE.

NAME \_\_\_\_\_

DATE OF BIRTH \_\_\_\_\_

DRIVER'S LICENSE # \_\_\_\_\_

ASIDE FROM THIS CASE

(a) HAVE YOU EVER BEEN CONVICTED, PLACED ON COURT SUPERVISION, RECEIVED A NOTICE TO APPEAR IN COURT, OR BEEN ARRESTED AS AN ADULT OR JUVENILE FOR ANY OFFENSE COMMITTED AFTER HAVING USED ALCOHOL OR ANY OTHER DRUG?  
YES \_\_\_\_\_ NO \_\_\_\_\_

(b) HAVE YOU EVER BEEN CONVICTED, PLACED ON COURT SUPERVISION, RECEIVED A NOTICE TO APPEAR IN COURT, OR BEEN ARRESTED FOR AN OFFENSE INVOLVING THE USE OR POSSESSION OF ALCOHOL OR ANY OTHER DRUG?  
YES \_\_\_\_\_ NO \_\_\_\_\_

(c) HAVE YOU EVER RECEIVED A TRAFFIC CITATION FOR ILLEGAL TRANSPORTATION OF ALCOHOL AS A DRIVER OR PASSENGER?  
YES \_\_\_\_\_ NO \_\_\_\_\_

IF YES, PROVIDE DESCRIPTION OF EACH INCIDENT, SUBSTANCES USED, APPROXIMATE DATES, DISPOSITION:

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DEFENDANT'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

EVALUATOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**SIXTH JUDICIAL CIRCUIT**  
**ADMINISTRATIVE ORDER 2022 – 2**

**SUBJECT: LOCATION ASSIGNMENT MODIFICATION ORDER**

Administrative Order 2020-12 is rescinded and replaced with the following:

Judge Gary Webber shall be assigned to preside over cases in the rural counties of the Sixth Judicial Circuit as follows:

DeWitt County – Monday\* and Wednesday

Douglas County – Thursday and Friday\*


Piatt County – Tuesday

Moultrie County – 1<sup>st</sup> Monday of each month  
3<sup>rd</sup> Friday of each month

\*Except for those days when assigned to Moultrie County

This Order shall be effective January 1, 2023.

10/24/22  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Randall B Rosenbaum, Chief Judge  
Sixth Judicial Circuit

CIRCUIT COURT OF ILLINOIS  
SIXTH JUDICIAL CIRCUIT

CIRCUIT ADMINISTRATIVE ORDER 08-3

**SUBJECT: CHILD CUSTODY AND ALLOCATION OF PARENTAL  
RESPONSIBILITIES- MEDIATION/ATTORNEY QUALIFICATION**

**I. EXPEDITED CHILD CUSTODY AND ALLOCATION OF PARENTAL  
RESPONSIBILITIES PROCEEDINGS**

A. In accordance with Supreme Court Rule 901 all child custody and allocation of parental responsibilities proceedings shall be scheduled and heard on an expedited basis. Continuances shall not be granted in child custody and allocation of parental responsibilities proceedings except for good cause shown and only may be granted if consistent with the health, safety and best interests of the child. The party requesting the continuance and the reason for the continuance shall be documented in the record.

B. In any child custody, allocation of parental responsibilities or relocation proceeding taken under advisement by the court, the trial judge shall render a decision as soon as possible but not later than 60 days after the completion of the hearing.

C. In accordance with Supreme Court Rule 922 all allocation of parental responsibilities proceedings shall be resolved within eighteen (18) months from the date of service of the petition to final order. In the event this time limit is not met, the trial judge shall make written findings as to the reasons for the delay and shall consider whether an extension should be allowed for good cause shown.

**II. COORDINATION OF CHILD CUSTODY PROCEEDINGS**

In accordance with Supreme Court Rule 903, whenever possible and appropriate, all child custody and allocation of parental responsibilities proceedings relating to an individual child shall be conducted by a single judge. Whenever a child custody or allocation of parental

responsibilities proceeding (as defined in Rule 900 of the Supreme Court Rules) is filed and there is a child custody or allocation of parental responsibilities matter already pending before another judge involving the same child, the judges involved shall confer as often as needed and jointly determine which court shall control and hear said issues and shall consider the impact of such orders on siblings, relatives and parties in each case as well as whether consolidation of such cases may be impracticable because of the issues involved or the arrangement of courtrooms, facilities and assignment of auxiliary court personnel.

### III. PARENT EDUCATION PROGRAM REQUIREMENT

A. The Sixth Judicial Circuit approves Children's First and TransParenting as approved parenting education programs for the Sixth Judicial Circuit. The judge hearing the case may authorize attendance at another approved parenting education program if deemed appropriate and good cause is shown. These programs shall consist of at least four (4) hours of training covering the subjects of parenting time and allocation of parental responsibilities and their impact on children.

B. Except when excused by the court for good cause shown, all parties prior, to the entry of a allocation of parental responsibilities order, shall be required to attend and complete an approved parenting education program as soon as possible, but not later than 60 days after an initial case management conference. The court shall not excuse attendance unless the reason is documented in the record and a finding is made that excusing one or both parties from attendance is in the best interests of the child.

C. The Order requiring completion of Children's First or TransParenting shall be entered at the initial case management conference in substantially the same form as prescribed in Appendix A of this order.

D. Each county of the Sixth Judicial Circuit will provide its respective contact number of its parenting education program to the Office of the Chief Judge.

E. The court may impose sanctions on any party willfully failing to complete the program.

**IV. MANDATORY MEDIATION OF CUSTODY, ALLOCATION OF PARENTAL RESPONSIBILITIES, RELOCATION AND PARENTING TIME PROCEEDINGS**

A. The Sixth Judicial Circuit shall maintain a list of non-judicial mediators involving custody, allocation of parental responsibilities, parenting time, and relocation issues.

B. The non-judicial mediator's training and experience shall be as follows:

1. completion of a Master's Degree in a relevant behavioral science, conflict resolution, or law degree, and specialized training in mediation as defined below.

2. specialized training in family mediation shall consist of at least forty (40) hours of training with a minimum of five (5) hours in each of the following areas of knowledge:

a. conflict resolution theory;

b. psychological issues in separation, dissolution and family dynamics;

c. issues and needs of children in dissolution and family proceedings;

d. mediation process and technique;

e. knowledge of substantive areas of family law as it relates to custody, allocation of parental responsibilities and parenting time, domestic violence, child abuse, substance abuse and mental illness.

This specialized training may consist of lectures, conferences, continuing education programs, graduate classes, seminars or specialized training programs in custody, allocation of parental responsibilities and parenting time mediation.

3. The mediators must participate in continuing education of at least ten (10) hours every two years in the above areas, of which two (2) hours must cover domestic violence, and provide evidence of completion at the time of attendance to the presiding judge in each county in which the mediator is listed.

4. The mediators must agree to provide some minimal mediation service in the community for nominal or no fee for individuals meeting the relevant poverty guidelines in the community.

C. The list of approved mediators in the Sixth Judicial Circuit shall be maintained in the Office of the Chief Judge and Office of the Presiding Judge of each county of the Sixth Judicial Circuit. An application for listing shall be filed with the Chief Judge in a form substantially as found in Appendix C of this order. A mediator may be removed from the court-approved list after notification and may appeal the removal to the Chief Judge or his designee within ten (10) days of the date of notice.

D. If recommended by the Presiding Judge of a county of the Sixth Judicial Circuit, the Chief Judge may authorize designated mediators for the approved list prior to the effective date of this order even though he or she has not obtained the specialized training referred to in paragraph B.2 if the said applicants have extensive qualification and experience in the mediation of family law issues. The mediator shall maintain professional liability insurance which covers the mediation process and will provide evidence of insurance to the Chief Judge of the Sixth Judicial Circuit Court.

## E. STANDARDS AND PROCEDURES

### 1. DEFINITIONS

A. Mediation. When the word "mediation" is used herein, it means a cooperative process for resolving conflict with the assistance of a trained court-appointed, neutral third party, whose role is to facilitate communication, to help define issues, and to assist the parties in identifying and negotiating fair solutions that are mutually agreeable. Fundamental to the mediation process, described herein, are principles of safety,

self-determination, procedural informality, privacy, confidentiality, and full disclosure of relevant information between the parties.

B. Impediment. When the word "impediment" is used herein, it means any condition, including but not limited to domestic violence or intimidation, substance abuse, or mental illness, the existence of which, in an individual or in a relationship, hinders the ability of any party to negotiate safely, competently, and in good faith. The identification of forms of impediment is designed not to require treatment, but to insure that only parties having a present, undiminished ability to negotiate are directed by court order to mediate. Mediation is based on a full disclosure of all facts related to the disputes so that a fair and equitable agreement can be achieved by the parties.

## 2. MEDIATION MANDATORY

A. Matters Subject to Mediation. The designated judge shall order mediation of any contested issue of parental responsibility, custody, parenting time, relocation or access to children arising in any action unless an impediment exists. The parties may not proceed to a final judicial hearing on contested issues arising in that case without leave of court, or until the mediation process has been concluded and its outcome has been reported to the court.

B. Prerequisite to Mediation. The parties referred to mediation by the court shall complete the parent education program prior to starting mediation or as soon after starting mediation as the parent education program's schedule allows.

C. Commencement of Mediation. The mediation process shall commence as provided by Supreme Court rule. In no event shall mediation occur before a case has been screened for eligibility pursuant to safety protocols for mediators. The designated judge shall be advised by counsel and/or the parties concerning:

1. Impediment of the parties as defined in Article IV, section E(1)(B) of this order. Reason to believe that impediment exists should result in referrals that may address the impediment(s) to mediation.



2. other existing circumstances which would unreasonably interfere with mediation.

3. Mediation shall not be required if the court determines, upon motion of a party, that a case is ineligible for mediation. Said motion shall be supported by affidavit setting forth specific facts detailing why mediation would be inappropriate.

D. Discovery. Discovery may continue throughout the mediation.

### 3. REFERRAL ASSIGNMENT PROCEDURE

A. Upon the court's order for the parties to participate in mediation, a mediator may be selected by agreement of the parties from the list of qualified mediators maintained by the Chief Judge or his/her designee. Absent an agreement, the trial judge shall select the mediator and assign the mediator a 45-day status date on the issue of progress of the mediation. The mediators shall be compensated at the rate agreed to by the parties and the mediator.

1. the court shall designate in its order what percentage of the mediation fee should be paid by the party and/or whether the case should be considered a reduced fee or indigency case.

2. the attorneys shall encourage the parties to mediate in good faith. The parties shall participate in mediation in good faith.

3. on or before the status date, for parties who are participating in mediation, the mediator shall submit a report to the court and the parties' legal counsel, which shall include the information required by Article IV, section 7 of this order.

4. the parties shall contact the mediator within seven (7) days after the referral order is signed for the purpose of setting an appointment.

## B. Conflict of Interest

1. If the mediator appointed has or had any possible conflict of interest, including but not limited, to a current or previous therapeutic, personal or economic relationship with mother, father, child, sibling, step-parent, grandparent, household member, counsel or anyone else directly involved in the case, he or she shall decline the appointment or disclose that relationship to the attorneys and may be removed for that reason. If there is a conflict, the parties may select or the court shall appoint another mediator.

2. A mediator who is a mental health professional shall not provide counseling or therapy to the parties or their children during or after the mediation. An attorney-mediator may not represent either party in any matter during the mediation process or in a dispute between the parties after the mediation process.

C. Ethical Conduct. Inclusion of a mediator in the Sixth Judicial Circuit approved mediators list indicates explicit agreement by that mediator to maintain high standards of ethical practice. Failure to comply may result in removal of the mediator's name from the approved list.

## 4. MEDIATION PROCESS

A. Commencement. At or prior to the initial session, the mediator shall:

1. determine the issues to be mediated;
2. explain that no legal advice, therapy or counseling will be provided;
3. disclose the nature and extent of any existing relationships with the parties or their attorneys and any personal, financial, or other interests that could result in bias or conflict of interest on the part of the mediator;

4. inform each party of his/her right to obtain independent legal counsel;
5. inform the parties that:
  - a. mediation can be suspended or terminated at the request of either party and after three (3) hours of mediation, or in the discretion of the mediator as outlined in Article IV, section E(4) (A) (5) (b);
  - b. The mediator may suspend or terminate the mediation if an impediment exists, if either party is acting in bad faith or appears not to understand the negotiation, the prospects of achieving a responsible agreement appear unlikely, or if the needs and interests of the minor children are not being considered. In the event of a suspension or termination, the mediator may suggest a referral for outside professional services;
6. explain that the mediation process is confidential as outlined in Article IV, section E(6) of this order;
7. confirm the parties' understanding regarding the fee for services and any reduced fee arrangements for eligible parties with financial hardship;
8. Reach an understanding the parties as to whether the mediator may communicate with either party or their legal counsel or with other persons to discuss the issues in mediation in the absence of the parties. Any separate communication which does not occur shall be disclosed to the parties at the first opportunity,
9. Advise each party that legal counsel, advocates, or other persons may be present only if both parties and the mediator agree in advance. Such individuals may be available for consultation for each participant while mediation is in progress.

10. Advise each party that children may be allowed to participate in mediation so long as all parties and the mediator consent to said participation, in writing, and that each parent or the child's representative or guardian ad litem, if applicable, has the right to withhold consent.

B. Reporting Risk of Bodily Harm. While mediation is in progress, the mediator may report to an appropriate law enforcement agency any information revealed in mediation necessary to prevent an individual committing an act that is likely to result in imminent, serious bodily harm to another. When the identity of an endangered person is known to the mediator, the mediator may warn that person and his attorney of the threat of harm; such notification shall not be considered a breach of confidentiality mandated by this rule.

#### 5. APPLICATION OF SAFEGUARDS IN CASE OF IMPEDIMENT

A. Duty to Assess: While mediation is in progress, the mediator shall assess continuously whether the parties manifest any impediments affecting their ability to mediate safely, completely and in good faith.

B. Safety. If an impediment affecting safety arises during the course of mediation, the mediator shall adjourn the session to confer separately with the parties, may implement appropriate referrals to community service providers, shall advise the parties of their right to terminate and shall either:

1. terminate mediation when circumstances indicate that protective measures are inadequate to maintain safety; or

2. proceed with mediation after consulting separately with each party to ascertain whether mediation in any format should continue.

C. Competency or Good Faith: If an impediment affecting competency or good faith, but not safety arises during the course of mediation, the mediator may make any appropriate referrals to community service providers and either:

1. suspend mediation when there is a reasonable likelihood the impaired condition of an affected party is only temporary; or

2. terminate mediation when circumstances indicate an affected party's ability to negotiate cannot be adequately restored.

D. Effect of Termination. No mediation terminated shall proceed further unless ordered by the court upon motion of a party. In the absence of such an order, the case shall be returned to the docket for adjudication in the manner prescribed by law.

## 6. CONFIDENTIALITY

A. Privacy of Sessions: Mediation sessions shall be private. Except as otherwise provided in Article IV, section E(4)(A)(9) of this order, the mediator shall have authority to exclude all persons other than the parties from sessions at which negotiations are to occur.

B. Confidentiality. Except as otherwise provided by law, all written and verbal communications made in a mediation session conducted pursuant to these rules are confidential and may not be disclosed by the mediator or any other participant or observer of the mediation, except that the parties may report these communications to their attorneys or counselors. Prior to the commencement of mediation, all participants in the mediation shall sign the confidentiality agreement prescribed by these rules.

C.

1. Limitation of Disclosure. Admissions, representations, statements and other communications made, or disclosed in confidence by any participant in the course of mediation session shall not be admissible as evidence in any court proceeding. Except as identified herein, a mediator may not be called as a witness in any proceeding by any party or by the court to testify regarding matters disclosed in a mediation session, nor may a party be compelled to testify regarding matters disclosed during a mediation

session as to privileged communications. These restrictions shall not prohibit any person from obtaining the same information independent of the mediation, or from discovery conducted pursuant to law or court rule.

2. Exceptions. Admissions, representations, statements and other communications are not confidential if:

- a. all parties consent in writing to the disclosure; or
- b. the communication reveals either an act of violence committed against another during mediation, or an intent to commit an act that may result in bodily harm to another; or
- c. the communication reveals evidence of abuse or neglect of a child; or
- d. non-identifying information is made available for research or evaluation purposes approved by the court; or
- e. the communication is probative evidence in a pending action alleging negligence or willful misconduct of the mediator.

7. ATTENDANCE AND TERMINATION OF MEDIATION

A. Attendance. The parties shall attend the mediation session(s) and shall attend a minimum of three (3) hours of mediation. Further participation may be extended by order of court or agreement of the parties. Mediation may be terminated or suspended prior to completion of the three (3) hours upon resolution of all mediated issues.

B. Termination or Suspension. The mediation may be terminated or suspended at the option of the mediator or the court.

C. Notice to Court. The mediator shall immediately advise the court in writing if he or she suspends or terminates mediation or in the event that either or both parties fail to comply with the terms of this Rule.

D. Sanctions for Failure to Appear. If a party fails to appear without good cause at a previously agreed upon mediation conference, or a mediation conference ordered by the court, the court upon motion may impose sanctions, including an award of mediator and attorney fees and other costs, against the party failing to appear.

E. Termination With Agreement. When agreements or partial agreements are reached by the parties during mediation, the mediator shall provide a written account of the agreements to the parties and their attorneys (if any), but the mediator shall not provide this written account to the court. The mediator shall advise each party to obtain legal assistance in drafting or reviewing any final agreements. The mediator shall advise the parties that agreements reached during mediation will not be legally binding until they are reviewed by the court and signed by the judge.

F. Termination Without Agreement. Upon termination without agreement, the mediator shall file with the court a final mediator report stating that the mediation has concluded without disclosing any reasons for the parties' failure to reach an agreement.

G. Reporting Procedures.

1. Mediator's Report. The mediator shall prepare a Mediator's Report in substantially the same form as in Appendix B of this Administrative Order within ten (10) days of the termination of the last mediation session. These reports will be filed with the circuit clerk.

2. Statistics. The mediator shall prepare a statistical report for each case and file said report at least quarterly with the presiding judge or his/her designee in each county in which the mediator is assigned to mediate cases.

3. Reports to the Supreme Court. The presiding judge or his/her designee shall provide for the maintenance of records of mediations conducted pursuant to these rules. The information shall include the number of mediations conducted, the number of mediations resulting in an agreement and those resulting in no agreement. The presiding judge shall file an annual report with the Chief Judge on the first Monday of February who shall furnish such information to the Supreme Court through its administrative office once a year or at such other interval as directed.

G. Appointment of Child Representative/Guardian ad litem. If the mediator has concerns for the welfare or safety of the minor child(ren) or feels that it is in the best interests of the minor, the mediator shall recommend to the court in the Mediator's Report that a child representative or guardian ad litem be appointed for the minor(s).

#### 8. ENTRY OF JUDGMENT OR ORDER

A. Presentation of Order. Each mediated agreement shall be presented by the parties or their attorneys (if any) to the court within forty-five (45) days following the filing of the final Mediator's Report.

B. Approval by the Court. The judge hearing the case shall examine the parties as to the content and intent of the agreement and shall reject the agreement, if any, if its provisions are found to be unconscionable or contrary to the best interests of a minor child. Unless the agreement is rejected, the court shall enter an appropriate judgment or order stating its findings and shall incorporate, either explicitly or by reference, the agreement so the terms of such agreement are also the terms of the judgment or order.

#### 9. CIRCUIT COURT ADVISORY COMMITTEE

A. Membership. The Chief Judge or his/her designee may establish an advisory committee whose membership shall consist of at least six (6) persons, including a family division judge within the Sixth Circuit, a practicing attorney-mediator, a practicing mental health professional mediator, and a



representative of the domestic violence advocacy community. Members of the committee shall be appointed by the Chief Judge or his/her designee.

B. Duties of the Committee. The circuit court mediation advisory committee shall advise the Chief Judge or his/her designee in establishing and implementing administrative policy consistent with these rules for the fair and efficient delivery of mediation services, including local rules of procedure, standards of conduct for mediators, and systematic review of program performance.

C. Authority of the Chief Judge. Nothing contained in this rule shall be construed as a limitation on the authority of the Chief Judge or his/her designee to exercise administrative authority conferred by law.

**V. ATTORNEY QUALIFICATIONS - GUARDIAN AD LITEM, CHILD REPRESENTATIVES OR ATTORNEYS FOR CHILDREN**

A. The Office of the Chief Judge, Sixth Judicial Circuit, and each presiding judge within the circuit shall maintain a list of approved attorneys qualified to be appointed in child custody, allocation of parental responsibilities and parenting time matters covered under Article IX of the Supreme Court Rules as guardians ad litem, child representatives, or attorneys for children.

B. In order to qualify for the approved list each applicant shall meet the following minimum requirements:\*

1. each attorney shall be licensed and in good standing with the Illinois Supreme Court.
2. each attorney shall have attended the education program created by the Illinois State Bar Association for education of attorneys appointed in child custody, allocation of parental responsibilities or relocation cases or equivalent education programs consisting of a minimum of ten hours of continuing legal education credit within the two years prior to the date the attorney applies to be appointed.

\* The Chief Judge may waive any of the requirements based on an applicant's education, experience and training.

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3. to remain on the approved list, each attorney shall attend continuing legal education courses consisting of at least ten hours every two year period and submit verification of attendance to the Chief Judge at the time of attendance or upon request. The ten hours should include courses in child development, ethics in child custody cases, allocation of parental responsibilities, relocation relevant substantive law in custody, guardianship and parenting time issues, domestic violence, family dynamics including substance abuse and mental health issues, and education on the roles and responsibilities of *guardians ad litem*, child representatives, and attorneys for children. Attendance at programs sponsored by this circuit may be included as a portion of this continuing education requirement.

4. each attorney must complete the Child Representation Information Sheet provided by this circuit in substantially the same form as prescribed in Appendix D of this order, and return it to the Office of the Chief Judge of the Sixth Judicial Circuit in which he/she wishes to be appointed, with a statement or other verification of attendance at continuing education.

5. each attorney must adhere to the minimum duties and responsibilities of attorneys for minor children as delineated in Supreme Court Rule 907.

C. Each attorney placed on the approved list and appointed shall be paid by the parties to the litigation as ordered by the judge handling the file or as agreed between the litigants. The costs for the appointed attorneys shall be paid as ordered and the court may enforce the orders and judgments as in other proceedings, including the imposition of sanctions.

D. In the event the court deems it is in the best interests of the child or children to have an attorney appointed in a proceeding under Article IX of the Supreme Court Rules but finds that the parties are both indigent, the court may appoint an attorney from the approved list to serve pro bono. The presiding judge or his/her designee shall rotate pro bono appointments from the approved list.

E. Each attorney on the approved list for the Judicial Circuit shall only be required to accept one pro bono appointment each calendar year.

F. The Chief Judge of this circuit maintains the authority to remove any attorney from the list of approved attorneys based upon the failure to meet the listed qualifications or for good cause, including the failure of any appointed attorney to perform as provided in Supreme Court Rule 907. A listed attorney may be removed from the court approved list after notification and may appeal the removal to the chief judge, Sixth Judicial Circuit, or his/her designee within ten (10) days of the date of the notice of removal.

G. If recommended by the Presiding Judge of each county of the Sixth Judicial Circuit, the Chief Judge may authorize designated attorneys for the approved list prior to the effective date of this order even though they have not attended the education program referred to in Article V, section B, par. 2 if the said attorneys have extensive qualification and experience in the area of family law.

#### **VI. CASE MANAGEMENT CONFERENCES**

A. In accordance with Supreme Court Rule 923 in all child allocation of parenting responsibilities proceedings, an initial case management conference pursuant to Rule 218 shall be held not later than ninety (90) days after service of the petition.

B. At the case management conference the parties shall show proof of completion of Children's First or TransParenting and provide the court with an agreed allocation of parental responsibilities and parenting time order, if available. The court shall schedule the matter for mediation if allocation of parental responsibilities, parenting time and/or relocation is in dispute, and may address any other appropriate issues with the parties.

C. A full case management conference shall be held not later than thirty (30) days after mediation has been completed.

D. The court, if allocation of parental responsibilities, parenting time and/or relocation is still in dispute, may, at a subsequent case management conference, appoint an attorney for the child or a *guardian ad litem* or a child representative and may discuss any other appropriate issue. A home and background investigation may be ordered at the case management conference or sooner if the court deems appropriate.

E. At the original and/or the subsequent case management conference the court shall issue a Case Management Order in substantially the same form as prescribed in Appendix E of this order.

F. It is the responsibility of the Petitioner's attorney or the pro se Petitioner in a contested allocation of parental responsibilities and/or parenting time case to request and schedule an initial case management conference with the court not later than ninety (90) days after service of the petition on the Respondent or after notice is sent to the Respondent. It is also the responsibility of the Petitioner's attorney or the pro se Petitioner to request and schedule a subsequent case management conference not later than thirty (30) days after mediation has been completed. The failure of Petitioner's attorney or the pro se Petitioner to schedule such hearings may subject that party to appropriate sanctions imposed by the court.

#### **VII. JUDICIAL TRAINING IN ALLOCATION OF PARENTAL RESPONSIBILITIES ISSUES**

A. In the Sixth Judicial Circuit all judges assigned to hear child custody or allocation of parental responsibilities cases shall be carefully selected by the Chief Judge or his designate with consideration being given to the judge's judicial and legal experience and prior training.

B. All judges hearing child custody or allocation of parental responsibilities cases in the Sixth Judicial Circuit should attend and participate regularly in seminars and judicial education opportunities approved by the Supreme Court on topics dealing with issues related to child development, child psychology and family dynamics, domestic violence, alternative dispute resolutions, child sexual abuse, financial issues in

such matters, addiction and treatment issues, statutory time limitations, and cultural and diversity issues.

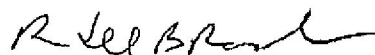
Original Order Entered Nov. 8, 2006

Amended Order Entered Feb. 28, 2007

Second Amended Order Entered June 21, 2007

Third Amended Order Entered March 18, 2016

Fourth Amended Order Entered Oct. 24, 2022



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Chief Judge Randall Rosenbaum

**SIXTH JUDICIAL CIRCUIT**

**ADMINISTRATIVE ORDER 2022 – 3**

**SUBJECT: AUTHORIZING MACON COUNTY COURT SERVICES OFFICERS TO  
CARRY AN ELECTRONIC CONTROL DEVICE (TASER)**

Pursuant to applicable Illinois state law and the standards of the Administrative Office of Illinois Courts (AOIC), and following approval of the Macon County Court Services Safety Manual and Taser Policy, officers who meet the qualifications set forth by the Director of Macon County Court Services are authorized to carry an electronic control device (Taser) as provided by their department regulations.

The Director of Macon County Court Services shall maintain a list of officers, job titles, assigned weapon and training completed for those officers who carry a Taser. The list shall be current and updated within 30 days of any completed training.

This Administrative Order and respective Safety Manual and Taser Policy shall be reviewed and approved by the Chief Judge of the Sixth Judicial Circuit on an annual basis as part of the AOIC annual plan process.

10/24/22  
Date

R. B. Rosenbaum  
Randall B Rosenbaum, Chief Judge  
Sixth Judicial Circuit

SIXTH JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER 2022 – 4

**SUBJECT: DCFS GUARDIANSHIP ADMINISTRATOR**

Effective January 1, 2023, and until further Order:

In all cases in which Orders were entered to appoint Janet Wukas Ahern, in her official capacity as Guardianship Administrator of the Illinois Department of Children and Family Services (DCFS), as guardian or custodian of a minor, are hereby amended to substitute the newly appointed Guardianship Administrator of DCFS, David L. Fox, as guardian or custodian, and as such, shall have the same authority, rights and responsibilities as granted pursuant to any previously entered Order.

Date: 12-27-22

ENTER:   
Chief Judge Randall B Rosenbaum

SIXTH JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER 2022 – 5

**SUBJECT: REMOTE PROCEEDINGS PER ILLINOIS SUPREME COURT RULE 45**

WHEREAS, the Illinois Supreme Court modified its Rule 45 to be effective January 1, 2023 and

WHEREAS, Rule 45 sets out how remote proceedings are to take place in Illinois courtrooms, including setting forth different procedures depending on the type of case and proceeding and

WHEREAS, Rule 45(b)(7) requires the Chief Judge to submit a local rule to the Administrative Office of Illinois Courts within 90 days of its effective date and

WHEREAS, the local rule shall address issues including what case types and proceedings may be exempt under Rule 45(b)(2), how to join remote proceedings, how to make a request to appear remotely and standards of decorum which are to be expected of participants and

WHEREAS, the Presiding Judge of each County is in the best position to know the local Court's available remote appearance technology, workload of the judiciary and local practices and


WHEREAS, the Chief Judge needs time to discuss these issues with the judges of the Circuit to enable a proposed local Rule to be promulgated and voted upon by the judges of the Circuit:

IT IS ORDERED:

Effective January 1, 2023, and until a local Rule of the Sixth Judicial Circuit is adopted:

1. The Presiding Judge of each county is authorized to determine what case types or proceedings are temporarily exempt from Rule 45 under paragraph (b)(2) and to notify the Circuit Clerk, litigants and the public as soon as practicable.
2. The Presiding Judge of each county is to work with the Chief's administrative assistant to gather the necessary information under paragraph (b)(7) so that a proposed rule may be promulgated, discussed and voted upon within 90 days of this Order.

Date: 12/30/22

ENTER:   
Chief Judge Randall B Rosenbaum