

11.05A (Amended) FAMILY COURT REFERRAL LIST (Applicable to Lake County only)

Judges hearing custody or visitation cases under the Illinois Marriage and Dissolution of Marriage Act or under the Illinois Parentage Act of 1984 are authorized to secure the assistance of mental health professionals pursuant to the following provisions:

1. 750 ILCS 5/604(b), which authorizes the court to seek professional advice on issues relating to, the best interests and wishes of a child who is the subject of a custody proceedings.
2. 750 ILCS 5/605, which authorizes the court to order an investigation concerning custodial arrangements for a child who is the subject of custody proceedings.
3. 750 ILCS 5/602.1, which authorizes the court to order parents of minor children to participate in mediation to assist the court in determining whether an award of joint custody is appropriate.
4. 750 ILCS 5/607.1, which authorizes the court to require parties to participate in counseling or mediation after a hearing on a petition alleging visitation abuse.

In addition to the provisions set forth above, the court may provide for therapeutic intervention in a family pursuant to its inherent powers to protect the best interests and welfare of children.

It is desirable that the court maintain a list of selected mental health professionals who are qualified by training and experience to provide advice to the court, assistance to a family, or mediation services to the parties.

Therefore, the Chief Judge is authorized to establish a list of qualified mental health professionals in accordance with the provisions and standards set forth in this rule. In the interests of efficient administration and to maintain the highest level of competence, the Chief Judge may, in his or her discretion, limit the number of members on the list. The list shall be known as the Family Court Referral List.

A. Qualifications. Members of the Family Court Referral List shall meet the following qualifications:

1. Have a minimum of a master's degree in a field of mental health.
2. Licensed by State of Illinois as a social worker, a marriage and family counselor, psychologist or psychiatrist.

3. Have five years experience in the field of family counseling.
4. Have training and two years experience in performing custody evaluations.
5. Maintain his/her primary office in Lake County.
6. Have completed 40 hours of mediation training approved by the Academy of Family Mediators and 3 hours of training on domestic violence, substance abuse, and other impairments to mediation approved by the Chief Judge. Completion of the mediation training is not required to be eligible for referrals to perform custody evaluations or investigations, counseling, or other non-mediation services.
7. Maintain professional liability insurance which covers services provided as a result of the referral.

B. Approval of Membership on the Family Referral List. Membership on the Family Court Referral List shall be by approval of the Chief Judge.

- a. The initial list shall be approved in 1999 and shall be reviewed in every odd numbered year thereafter.
- b. Applicants shall provide proof of qualification by way of affidavit that is supported by documentation.
- c. In selecting providers to serve on the list, or to continue to serve on the list, the Chief Judge may seek the advice of judges, lawyers, and mental health professionals experienced in family matters.
- d. The Chief Judge shall have the discretion to limit the size of the list. In his or her discretion, the Chief Judge may add a member to or remove a member from the list when necessary to promote the highest standards of competency. An applicant denied inclusion on, or removed from the list, may appeal the decision in writing within 10 days to the Chief Judge. The Chief Judge shall decide the appeal after an opportunity for the applicant or member to be heard. The decision of the Chief Judge shall be final.

C. Selection of a Provider. Selection of a provider for services pursuant to 750 ILCS 5/604(b), 5/605, 5/602.1, and 5/607.1, or pursuant to the inherent powers of the court to protect the best interests and welfare of a child, shall be in the sole discretion of the judge making the referral. In making a referral, the judge shall take in to account the wishes of the parties, the nature of the dispute, and any other relevant factors. Nothing shall prevent a judge from making a referral to a qualified professional who is not on the approved Family Court Referral Service.

D. Referrals for mediation. Referrals for mediation pursuant to 750 ILCS 5/602.1 (joint custody) or ILCS 750 5/607.1 (visitation abuse), may be to either an attorney mediator or to a mediator member of the Family Court Referral List. An attorney mediator must be licensed to practice law in the State of Illinois and must have completed 40 hours of mediation training approved by the Academy of Family Mediators and 3 hours of training on domestic violence, substance abuse, and other impairments to mediation provided by the Lake County Bar Association or by another agency approved by the Chief Judge.

E. Conditions of Membership. Selection for membership on the Family Court Referral List does not guarantee a member receipt of referrals and is conditioned upon the agreement of the applicant to the following terms:

1. To abide by the Model Standards of Practice for Child Custody Evaluations developed by the Association of Family and Conciliation Courts, as may be approved from time to time.
2. To provide services in selected cases without fee, or for a reduced fee, on a reasonable basis at the request of the Presiding Judge of the Family Court.
3. To attend bi-monthly meetings of the Family Court Referral Service as scheduled by the Presiding Judge of the Family Division and to assume responsibility for the leadership of the meetings on a rotating basis.
4. To attend professional continuing education seminars or courses on topics related to custody and visitation issues on an annual basis and to attend training as specified by the Chief Judge or the Presiding Judge of the Family Division.
5. To submit a written report to the court containing the results of a court ordered evaluation or investigation regardless of whether the fee for the services has been paid in full. If the report is not completed by the date required by the court order, to submit a report to the court, with copies to counsel and to unrepresented parties, stating the reason why the report is not finished and when it will be.
6. To inform the court within 7 days if he or she has been disciplined by any licensing agency or professional organization to which he or she belongs.
7. To inform the court of his or her hourly fee and the charge for preparing a report.
8. To make reasonable efforts to complete an evaluation or investigation in no more than eight (8) hours with the parties.

F. Fees. The fee for court ordered services by a member of the Family Court Referral Service shall be paid for by the parties based on the rates reasonably and customarily charged by the provider for the services rendered. The court shall allocate the responsibility for payment between the parties based on ability to pay. In cases of indigency, the court may order the county to pay all or a portion of the fee for a court ordered evaluation or investigation, or the court may refer the matter to a psychologist on the staff of the Probation Department.

G. Acceptance of Appointment. When a provider is appointed by the court to perform a court ordered evaluation or investigation, or to provide mediation, counseling or supervised visitation services, the court administrator's office shall send the provider a copy of the order of appointment. Upon receipt of the order, the provider shall sign an acceptance of appointment form provided by the court and return the form to the Court Administrator's Office to be placed in the court file. A provider may decline to accept a case for any reason. A provider shall decline to accept an appointment to a case in which s(he) has a conflict of interest, including but not limited to, a current or previous therapeutic, economic, or close personal relationship with any party, child, step-parent, other relative, counsel, or anyone else involved in the case, unless the conflict of interest has been specifically waived by the parties in writing. If a provider deems it necessary to decline to accept an appointment, he or she shall immediately notify the court with copies to counsel and unrepresented parties.

H. Psychological Tests. In conducting an evaluation or investigation, the provider shall not conduct psychological tests unless specifically authorized to do so by court order.

I. Screening for Impairments to Mediation. When a case is referred for mediation, the mediator shall screen the parties for impairments to mediation. If an impairment exists which poses a risk to the safety of the parties, the children or the mediator, or which undermines the ability of the parties to negotiate in good faith, the mediator shall terminate mediation.

J. Prohibition against counseling, therapy or legal representation. Evaluators shall not provide counseling or therapy to the parties, either individually or jointly, during the evaluation process. Attorney-mediators, referred to in paragraph D, shall not represent either party during the mediation or in any dispute between the parties after the mediation process.

K. Statistical Information. Upon request of the court, evaluators will provide statistical information regarding fees and hours expended in order to allow the court to evaluate the program in a format identified by the court.

Amended by the Circuit Judges of
the Nineteenth Judicial Circuit this
10th day of September 2004 and
effective immediately.

