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SUPREME COURT ANNOUNCES NEW RULES TO EXPEDITE AND ENSURE BEST INTERESTS OF CHILDREN IN CUSTODY CASES

The Illinois Supreme Court announced Friday it has adopted a series of new rules to help ensure that child custody proceedings be handled expeditiously, competently and with great emphasis on the "best interest of the child."

They mandate that all child custody proceedings be scheduled and heard on an expedited basis; that continuances shall not be granted "except for good cause shown" and only if the continuance "is consistent with the health, safety and best interests of the child;" and require a judge to render a decision as soon as possible but not later than 60 days after completion of the trial or hearing.

The rules also require that attorneys who are appointed in child custody and adoption cases meet certain minimum requirements, including attendance in relevant continuing legal education courses. They also mandate education courses for judges who may be called upon to hear custody cases.

The rules grew out of the continuing work of the Special Illinois Supreme Court Committee on Child Custody Issues which was established in January 2002 to study child custody, parental termination and adoption issues, and to formulate methods to expedite and improve the administration of justice in such cases.

"Formation of the committee was motivated by a desire to provide the children of our state the fairest system that is possible," said Justice Thomas R. Fitzgerald who proposed the idea of the committee to the Court. "These are some of the most important issues that ever come before our judicial system and some of the most difficult cases our Court or any court in the state is called upon to face.

"We have to be conscious that these cases be dealt with in a reasonable period of time because a child's life doesn't stop and wait for us."

Justice Rita B. Garman, who with Justice Fitzgerald serves as Supreme Court liaison to the Committee, also lauded the new rules.

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New Rules Add One

“We are pleased to see that these rules will certainly help move along the courts’ handling of child custody cases in a fair and expeditious manner,” Justice Garman said. “It is vital that our children’s cases be heard from start to finish in that way. We are very grateful to the Committee for its hard work and input in this important matter.”

The new rules relate to all child custody proceedings under the Juvenile Court Act, the Illinois Marriage and Dissolution of Marriage Act, the Uniform Child Custody Jurisdiction and Enforcement Act, the Illinois Parentage Act of 1984, the Illinois Domestic Violence Act of 1986, Article 112A of the Code of Criminal Procedure and guardianship matters involving a minor under article XI of the Probate Act of 1984.

The new rules, encapsulated in the 900 series, do not address proceedings arising under the Adoption act, while will be addressed separately by the Committee.

“I and other committee members are very excited about the promulgation of these rules,” said Judge Alan Greiman of the Illinois Appellate Court in Cook County, chairman of the Committee. “We believe that they will raise the quality and knowledgeability of the courts and the bar in the determination of child custody cases.”

In addition to requiring expedited hearings, the rules mandate that all custody proceedings relating to an individual child be conducted by a single judge, and require case management conferences by judges.

Rule 905 requires each judicial circuit in the state to establish mediation programs in custody and visitation cases along the lines that have been instituted in Cook and DuPage and a number of other counties.

Rule 906 also requires each judicial circuit to develop a set of qualifications and education requirements for attorneys appointed by the court in child custody and guardianship cases, and also develop a plan for procuring qualified attorneys.

In writing Rule 906, the Committee strongly considered Supreme Court Rule 714 which established a certified Capital Litigation Trial Bar and imposes minimum requirements upon counsel to insure that attorneys who participate in capital cases possess the ability, knowledge and experience to do so in a competent and professional manner.

“The Special Committee believes that cases involving child custody and visitation issues demand the same high standards of advocacy as do capital cases,” states the committee comment to Rule 906.

In custody proceedings under the Dissolution of Marriage and Parentage acts, Rule 923 requires case management conferences at which parents must show proof of completing a parental education program established by the judicial circuit or county. If parents do not show

concurrence on an agreed custody and parenting plan in these case management conferences, the matter is sent to mediation.

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New Rules Add Two

In establishing the Parenting Education Requirement under Rule 924, the Committee states that parenting education can have a very positive impact on the outcome of a child custody proceeding. Parenting education encourages parents to think about the impact of their actions on their children and teach parents to deal with adult problems in ways that avoids harms to their children, the Committee noted.

The committee is composed of 15 judges from around the state who are familiar and experienced in child custody issues.

“I have served on a number of Supreme Court committees over the years, but I never found greater dedication, caring and expertise than I did of the members on this committee,” said Judge Greiman. “Men and women from all over the state who have spent their lives protecting children served on this Committee and I have never been more proud of the judiciary than I am today.”

In addition to Judge Greiman, the members of the committee are:

Circuit Court Judge J. Peter Ault of the 10th Judicial Circuit, Pekin; Circuit Court Judge Robert J. Anderson of the 18th Judicial Circuit, Wheaton; Associate Judge Dennis J. Burke of the Circuit Court of Cook County; Circuit Court Judge Patricia Martin Bishop of Cook County; Circuit Court Judge Robert L. Carter of the 13th Judicial Circuit, Ottawa; Associate Judge Barbara Crowder of the 3rd Judicial Circuit, Edwardsville;

Judge Scott D. Drazewski of the 11th Judicial Circuit, Bloomington; Judge R. Peter Grometer of the Illinois Appellate Court, Second Judicial District; Circuit Judge Curtis Heaston of Cook County; Judge Moshe Jacobius of Cook County; Associate Judge Nelson F. Metz of the 3rd Judicial Circuit, Edwardsville; Judge Karen G. Shields of Cook County; Associate Judge Michael W. Stuttley of Cook County; and Circuit Court Judge Chet W. Vahle 8th Judicial Circuit in Quincy.

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