

M.R. 3140

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered July 1, 2013.

(Deleted material is struck through and new material is underscored.)

Effective September 1, 2013, Illinois Supreme Court Rules 900 and 905 are amended, as follows.

Amended Rule 900

Rule 900. Purpose and Scope

(a) Purpose. Trial courts have a special responsibility in cases involving the care and custody of children. When a child is a ward of the court, the physical and emotional well-being of the child is literally the business of the court. The purpose of this article (Rules 900 *et seq.*) is to expedite cases affecting the custody of a child, to ensure the coordination of custody matters filed under different statutory Acts, and to focus child custody proceedings on the best interests of the child, while protecting the rights of other parties to the proceedings.

(b)(1) Definitions. For the purposes of this article, “child custody proceeding” means an action affecting child custody or visitation. “Removal” means an action involving removal of a minor child pursuant to section 609 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/609). “Child” means a person who has not attained the age of 18.

(b)(2) Part A. Scope. Rules 900 through 920, except as stated therein, apply to all child custody proceedings initiated under article II, III, or IV of the Juvenile Court Act of 1987, 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 and article 112A of the Code of Criminal Procedure of 1963, and guardianship matters involving a minor under article XI of the Probate Act of 1975.

(b)(3) Part B. Scope of Rules 921 through 940. Rules 921 through 940 apply to child custody proceedings initiated under the Illinois Marriage and Dissolution of Marriage Act, and the Illinois Parentage Act of 1984.

(b)(4) Part C. Scope of Rule 942. Rule 942 applies to child custody proceedings

under articles II, III, and IV of the Juvenile Court Act of 1987.

(c) Applicability of Other Rules. Applicable provisions of articles I and II of these rules shall continue to apply in child custody proceedings except as noted in this article.

Adopted February 10, 2006, effective July 1, 2006; amended July 1, 2013, eff. Sept. 1, 2013.

Amended Rule 905

Rule 905. Mediation

(a) Each judicial circuit shall establish a program to provide mediation for cases involving the custody of a child or removal of a child or visitation issues (whether or not the parties have been married). In addition to the minimum requirements set forth in subparagraph (b)(2) of Rule 99, local circuit court rules for mediation in child custody, removal and visitation cases shall address: (i) mandatory training for mediators; (ii) limitation of the mediation program to child custody, removal and visitation issues; (iii) (unless otherwise provided for in this article) standards to determine which child custody, removal and visitation issues should be referred to mediation and the time for referral; and (iv) excuse from referral to mediation if the court determines an impediment to mediation exists. The immunity and approval requirements of subparagraph (b)(1) of Rule 99 shall apply to mediation programs for child custody, removal and visitation matters.

(b) Each judicial circuit shall establish a program to provide mediation for dissolution of marriage and paternity cases involving the custody of a child or removal of a child or visitation issues (whether or not the parties have been married). In addition to the minimum requirements set forth in subparagraph (b)(2) of Rule 99, local circuit court rules for mediation in dissolution of marriage and paternity cases shall address: (i) mandatory expertise requirements of a mediator; (ii) mandatory training for mediators; (iii) limitation of the mediation program to child custody, removal and visitation issues; and (iv) referral of child custody, removal and visitation issues to mediation, pursuant to Rule 923(a)(3), the court determines an impediment to mediation exists. The immunity and approval requirements of subparagraph (b)(1) of Rule 99 shall apply to mediation programs for child custody, removal and visitation matters. In cases where a litigant can only communicate in a language other than English, the court will make a good-faith effort to provide a mediator, and a *pro bono* attorney where applicable, and/or an interpreter who speaks the language of the litigant who needs English assistance.

(c) Every judicial circuit shall file a quarterly report with the Administrative Office of the Illinois Courts setting out the number of custody, visitation, and

removal cases referred to mediation, the number of custody, visitation, and removal cases where mediation was referred but did not proceed, the number of cases referred on a *pro bono* basis, the number of cases where there was a full settlement, the number of cases where there was a partial settlement, and the percentage of cases wherein the parties were satisfied or unsatisfied with the process. Every judicial circuit shall require the completion of a mediation report filled out by a mediator on every custody, visitation, and removal case referred to mediation as well as the parties' evaluation of the mediation on forms prescribed by the Administrative Office of the Illinois Courts. The information contained in the mediator and parties evaluation reports shall remain confidential and shall only be utilized for administrative and statistical purposes as well as the court's review of the efficacy of the mediation program.

~~(c)~~ **(d)** In addition to meeting the requirements of Rule 905(a), ~~and (b), and (c)~~, local circuit rules may also impose other requirements as deemed necessary by the individual circuits.

Adopted February 10, 2006, effective January 1, 2007; amended May 19, 2006, effective January 1, 2007; amended July 1, 2013, eff. Sept. 1, 2013.