

PART 9(A). RULES RELATING TO DISSOLUTIONS AND LEGAL SEPARATION

RULES RELATING TO "FAMILY (750 ILCS) CASES

(a) Filing of Child Custody Affidavits:

In any proceeding wherein a custody determination is to be made by the Court or wherein the Court is asked to approve an agreed stipulation for modification of a previous custody determination, there shall be on file prior to the entry of an order affecting custody or visitation, a child custody affidavit as required by 750 ILCS 36/209. (See Appendix of Forms of the Fourteenth Judicial Circuit, Form 9(a) [as the same may be from time to time amended]).

(b) Financial Affidavit:

In all proceedings for dissolution of marriage, legal separation, declaration of invalidity of marriage, or other actions brought under 750 ILCS where the relief sought includes a request for any of the following:

1. Property distribution;
2. Temporary, permanent, or rehabilitative maintenance;
3. Temporary or permanent child support;
4. Attorneys' fees (actions where sought based on the ability of one party to pay and the inability of other party to pay); or
5. Allowable court costs;

the parties shall file the financial affidavit set forth in the Appendix of Forms of the Fourteenth Judicial Circuit as Form 9(b) (as the same may from time to time be revised), with their initial pleading. The official Rule 9(b) form contains the minimum information that shall be disclosed. Attorneys or parties may not alter the document by deleting content from the official 9(b) form.

If the 9(b) financial affidavit previously filed is no longer accurate, amendments shall be timely filed and served. It is within the trial Court's discretion to accept the latest 9(b) affidavit on file as the testimony of that party for the information contained therein if that party is also present and available to testify under cross-examination.

Violations of these provisions may result in sanctions pursuant to Supreme Court Rule 219.

(c) Face-to-Face Settlement Conference:

1. The parties and their respective counsel, including any guardian ad litem where applicable, shall attend in person or, for good cause shown, by conference telephone call, a face-to-face settlement conference. The joint settlement conference may be held at such place and time as agreed or ordered by the Court.

2. At the face-to-face conference, the parties and their respective counsel and guardian ad litem, if applicable, shall:

(a) Conduct good faith settlement negotiations;

(b) Identify the disputed issues which the Court needs to resolve and prepare a stipulation as to the disputed issues;

(c) Prepare any stipulation with respect to agreed matters;

(d) Complete the appropriate pre-trial memorandum as required under subsection (1) of this Rule 9(d) and sign the same;

(e) Consider any other matters which may aid, expedite, or simplify the pending matter; including preparing an update amendment to any previously filed 9(b) affidavit.

(d) Pre-Trial Memorandum and Order:

1. Before a contested second half hearing on a petition for dissolution of marriage, legal separation, or declaration of invalidity can be heard, the parties and their respective attorneys shall submit their joint pre-trial memorandum as set forth in the Appendix of Forms of the Fourteenth Judicial Circuit as Form 9(d) 1 (as the same may from time to time be amended).

(e) Uncontested Call:

1. Uncontested, default, or agreed matters arising under 750 ILCS will be heard on any established uncontested call, or before the "matrimonial walk-in" judge if time permits, and if a court reporter is available and a record is needed.

2. Any matter which is uncontested or agreed may be set and heard without the necessity of a pre-trial memorandum being filed; but in all cases the agreed order shall contain recitations regarding the parties gross and net monthly income, as the same are defined by 750 ILCS 5/505 if the Order affects issues of support or maintenance.

(f) Filing of Confidential Information

1. In an effort to limit identity theft, the following information should not be contained in pleadings open to the general public and filed with the Circuit Clerk:
 - a. Date of Birth
 - b. Social Security Number (it is acceptable to identify the last four digits in the public portion of the record)
 - c. Driver's license Number
 - d. Children's Date of Birth (acceptable to identify the age of the child at the time of the pleading)
 - e. Children's Social Security Number
2. The information identified in paragraph f(1) above should be filed with the Circuit Clerk under seal using the form called Confidential Disclosure Statement as set forth in the Forms portion of these rules, and hereinafter called F1 Confidential Disclosure Statement.
3. The Circuit Clerk shall file the f(1) Confidential Disclosure Statement under seal and note the date and which party filed the F1 Confidential Disclosure Statement under seal on the public docket. Only judges, the parties, and their present attorneys of record shall have access to the sealed information without a Court Order. Anyone else seeking access to the information must file a petition setting forth the basis for needing the information and set the matter for hearing after notice to the parties and attorneys of record pursuant to local rule. A judge of this circuit will then review the petition and sealed information *in camera* to determine whether or not the information merits disclosure.

- (g) All initial appearances in Rock Island County only shall have Summons, Notice, Rule(s) and initial Orders returned to appear before the Matrimonial Walk-In Judge at 9:00 AM. This shall not apply to injunctive relief under 750 ILCS 5/501 and 701.
- (h) All attorneys willing to accept Notices and other documents via email shall post their email address on the pleadings. This option shall be treated and interpreted similar to facsimile transactions under Supreme Court Rule 11(b)(4). Original paper copies must still be filed with the Circuit Clerk.
- (i) In cases where each party has an attorney of record, no attorney shall set a hearing without first making reasonable attempts to schedule a mutually convenient date with opposing counsel. Reasonable attempts shall be deemed made if a telephone call is placed to opposing council and no response is received within 48 hours.
- (j) In cases where each party has an attorney of record, no attorney shall participate, directly or indirectly, in obtaining an Ex Parte Order of Protection without providing advance telephone notice to opposing counsel as soon as practicable.
- (k) All modifications, rules or actions under 735 ILCS 5/2-1401 filed more than 30 days after entry of the second half judgment of dissolution shall be deemed a new proceeding and service shall be made upon the party as opposed to any prior attorney of record.

(l) Parenting Education Requirement

In all “child custody cases” contemplated by Supreme Court Rule 924, except when excused by the court for good cause shown in a written motion that details the reasons therefore, the parties shall complete a four hour parenting education program covering the subjects of visitation, custody and their impact on children.

The Clerk's office in each county in the circuit shall maintain a list of parenting education programs approved as provided in this Part.

When a parent resides outside a radius of 125 miles from the court facility wherein the case is being heard, the parent may file a written motion requesting that such parent be allowed to complete a parenting education program offered in the jurisdiction where he or she resides. The motion may be granted if it appears from that motion and any supporting documents that such other program conforms to the standards of this circuit.

(m) Family Mediation Program

1. Pursuant to Supreme Court Rule 905, all cases filed on or after January 1, 2007, and, at the discretion of the Court, all matters filed before that time, involving contested hearings of custody, visitation, and removal shall be subject to mediation in accordance with the following rules except when the court grants an exemption because it determines that an impediment to mediation exists.

2. Definitions

(A) Mediation. When the word "mediation" is used herein, it means a cooperative process for resolving conflict with the assistance of a 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.

"Shuttle mediation" is a variant of the standard process in which the mediator meets separately with each party so that direct communication is only with the mediator who relays information, defines issues and suggests possible solutions as the participants remain in separate rooms.

"Co-mediation" is where two mediators mediate with the participants at the same time.

(B) Impediment. When the word "impediment" is used herein, it means any condition, including, but not limited to, family violence, mental or cognitive impairment, alcohol abuse or chemical dependency, or other circumstances, the existence of which, in an individual or in a relationship, may render mediation inappropriate or would unreasonably interfere with the mediation process. The identification of forms of impediment is not designed to require treatment, but to insure that only parties having a present, undiminished ability to negotiate are directed by court order to mediate.

(C) Child Custody Case. A "child custody case" is that type of proceeding that is defined as such by the appropriate and current Illinois Supreme Court Rule.

(D) Mediator. The terms "mediator" or "qualified mediator" when used in this Part means any person approved as such by the Chief Judge or Circuit Court Advisory Committee as provided herein.

3. Mediation Mandatory in Certain Cases

(A) Matters Subject to Mediation. The assigned judge shall order mediation (pursuant to the court approved order form) of any contested child custody case unless the court determines an impediment exists. The parties may not proceed to a judicial hearing on contested issues, except temporary relief, without leave of court, or until the mediation process has been concluded and its outcome has been reported to the court. (See Form 9(m)3(A) for the court approved order form.) **The parties shall provide a copy of the Mediation Order to the Court Administrator.**

(B) Commencement of Mediation. The court shall enter a referral order to mediation no later than 90 days after the petition has been served upon the respondent. However, in no event shall mediation occur before a case has been screened for eligibility pursuant to safety protocols for mediators. (See Form 9(m)(3)(B)).

(C) Exemption From Mediation. A "child custody case" may be exempted from the requirement of mediation as required in sub-paragraph (B) above if the court determines that there is an impediment to such mediation. The determination that an impediment exists may be made pursuant to a motion alleging relevant facts, by the court's concurrence in a separate written stipulation of the parties, or by an agreed Case Management Considerations and Order under Supreme Court Rule 904 or 923.

(D) Discovery. Discovery may continue throughout the mediation.

4. Referral and Assignment Procedure

(A) A mediator may be selected by agreement of the parties from the list of qualified mediators maintained by the Clerk's office in each county of this circuit. Absent an agreement, the trial judge shall select a mediator. Mediators shall be compensated by the parties at the rate and under the payment terms agreed to by the parties and the mediator unless the parties cannot agree upon a mediator. If the Court must select one, the mediator will be compensated in an amount not less than the amount per hour specified in Part 26, Rule 4B.3 of these Circuit Rules

and shall be entitled to a minimum of one-hour compensation. Unless the matter is a “reduced fee” or “pro bono” case, the mediator shall be entitled to a retainer of \$500.

(i) The Court may designate in its order what percentage of the mediation fee should be paid by each party and/or whether the case should be considered for a reduced fee or pro bono case. In making the percentage designation, the Court may do so in a non-evidentiary summary fashion from the Part 9(b) affidavits required to be filed under these Circuit Rules.

(ii) The Court shall indicate in its order whether legal counsel for the parties may or must attend mediation session(s).

(iii) The parties shall participate in mediation in good faith, and their attorneys shall encourage them to do so.

(iv) The parties shall contact the mediator within ten business days after the referral order is signed for the purpose of scheduling mediation.

(B) Conflict of Interest

(i) If the mediator appointed has any possible conflict, including but not limited to, a current or previous therapeutic, personal or economic relationship with the 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 parties- any of who may ask that the mediator decline the appointment. Should the mediator refuse to decline, either one or both parties may file a motion with the court requesting that the mediator be removed. If there is a conflict or removal, the parties may agree upon, or the court shall appoint, another mediator.

(ii) No person acting as a mediator who is a mental health professional shall provide counseling or therapy to the parties or their children during or after the mediation or 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 14th 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.

5. Mediation Process

(A) At or prior to commencing the initial session, the mediator shall:

(i) determine the issues to be mediated;

(ii) explain that no legal advice, therapy or counseling will be provided;

(iii) 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;

(iv) determine if the Court has required legal counsel to be present during the mediation process, and, if so, the role to be played by them;

(v) inform the parties that

(1) mediation can be suspended or terminated at the request of either party after three

(3) hours, or, in the discretion of the mediator, at any time as outlined in the following subsection-Part 9(m)5(A)(v)(2);

(2) the mediator may suspend or terminate the mediation if there has been a failure to comply with any payment terms contemplated by Part 9(m)4(A), if an impediment exists, if either party is acting in bad faith or appears not to understand the negotiation, if 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;

(vi) explain that the mediation process is confidential as outlined in Part 9(m)7;

(vii) confirm the parties' understanding regarding the fee for services and the payment arrangements or orders thereof;

(viii) reach an understanding with the parties as to whether the mediator may communicate with either party or his/her legal counsel or with other persons to discuss the issues in mediation in the absence of the parties. Any separate communication that does occur should be disclosed to the parties at the first opportunity;

(ix) 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) Co-mediation or Shuttle Mediation. Co-mediation or shuttle mediation may be used as deemed appropriate by the mediator.

(C) 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 from 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.

(D) Place of Mediation. Unless both parties and the mediator otherwise agree, mediation should be held in the county where the case is pending.

(E) Unless the mediator has been selected by the Court because the parties could not agree upon a mediator, mediators are encouraged to enter into a written "Memorandum of Engagement" which, at a minimum, sets out a fee for services and payment arrangements agreed to by the parties and the mediator.

6. Application of Safeguards in Case of Impediment

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

(B) Safety: If an impediment affecting safety arises during the course of mediation, the mediator may adjourn the session to confer separately with the parties, implement protective measures, make appropriate referrals to community service providers, or advise the parties of their right to terminate and thereafter either should

(i) terminate mediation when circumstances indicate that protective measures are inadequate to maintain safety or

(ii) 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

(i) suspend mediation when there is a reasonable likelihood the impaired condition of an affected party is only temporary or

(ii) 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.

7. Confidentiality

(A) Privacy of Sessions. Mediation sessions shall be private. The mediator shall have authority to exclude all persons other than the parties and their attorneys or other representatives 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, any participant or observer of the mediation, except that the parties may report these communications to their attorneys if their attorneys have signed a confidentiality agreement. Prior to the commencement of mediation, all participants, representatives, observers and mediators in the mediation shall sign a confidentiality agreement. (See Form 9(m)7(B)).

(i) Limitation of Disclosure. Admissions, representations, statements and other communications made, or disclosed in confidence by any participant in the course of a 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. 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.

(ii) Exceptions. Admissions, representations, statements and other communications are not confidential if:

- (1) all parties consent in writing to the disclosure or
- (2) 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
- (3) the communication reveals evidence of abuse or neglect of a child or
- (4) non-identifying information is made available for research or evaluation purposes approved by the court or
- (5) the communication is probative evidence in a pending action alleging negligence or willful misconduct of the mediator.

8. Attendance and Termination of Mediation

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

(B) Termination or Suspension. The mediation may be terminated or suspended at the option of the mediator under the provisions of this Part or by 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 Part.

(D) Sanctions for Failure to Appear or Compensate. If a party fails to appear without good cause at a previously agreed upon mediation conference or a mediation conference ordered by the court and/or fails to comply with the terms of any previously agreed payment arrangements or order, 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, there shall be produced a written account of the same. If applicable, the mediator should advise each party to obtain legal assistance in drafting or reviewing any final agreements. The mediator should advise the parties that agreements reached during mediation will not be legally binding until the court approves the same.

(F) Termination Without an 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.

(i) Mediator's Report. The mediator shall prepare and file a Mediator's Report on the prescribed form within twenty (20) business days of the termination of mediation and, if the ordered mediation has not yet been terminated, every ninety (90) days from the entry of the initial Order appointing the Mediator. (See Form 9(m)8(G)(i)).

(ii) Statistics. The mediator shall prepare a statistical report for each case on the prescribed form and file them at least quarterly with the Court Administrator. (See Form 9(m)8(G)(ii)).

(iii) Reports to the Supreme Court. The Court Administrator 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. Such information shall be furnished to the Supreme Court through its administrative office once a year or at such other interval as may be directed.

9. Entry of Judgment or Order.

(A) Presentation of Order. Each mediated agreement shall be presented by the parties or their attorneys (if applicable) to the court within 30 days following the filing of the final Mediator's Report.

(B) Approval by Court. 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.

10. Circuit Court Advisory Committee.

(A) Membership. The most senior circuit judges of each county in the circuit not including the Chief Judge shall establish an advisory committee whose membership shall consist of at least five (5) persons, including a judge, an attorney, a mediator, a representative of the domestic violence community and a mental health professional. This committee shall be the

Circuit Court Advisory Committee for the Fourteenth Judicial Circuit.

(B) Duties of the Committee. The Circuit Court Advisory committee shall advise the Chief Judge in establishing and implementing administrative policy consistent with these rules for the fair and efficient delivery of parenting education, mediation and guardian ad litem services. The subject matter shall include local rules of procedure, qualifications, standards of conduct, and systematic review of performance. The Committee shall also, on written request as provided hereinafter, review and decide upon any application for approval as a parent educator or child custody mediator that has been denied or any person or program previously approved and later decertified.

PART 9(B). QUALIFICATIONS, APPROVAL, LISTING, AND DECERTIFICATION

1. Qualifications.

(A) Parent Educators. Those seeking approval as a qualified parenting education program of the 14th Judicial Circuit shall submit to the Chief Judge

(i) a curriculum/syllabus that details a four hour session for parents of minor children covering the issues of custody, visitation and adult behavior and how the same impacts children. Included therein should be an outline of the topics to be covered, goals, materials and the sources from which the same are derived.

(ii) The educational and experience minimums for those teaching the program.

(B) Mediators. Those seeking approval as a qualified child custody mediator for the 14th Judicial Circuit shall submit to the Chief Judge an application or curriculum vitae showing appropriate training in that the person

(i) has a graduate degree

(1) in law or

(2) in a field that includes the study of psychiatry, psychology, social work, human development, family counseling or other behavioral science substantially related to family interpersonal relationships, and

(ii) has completed a specialized training in family mediation consisting of at least 40 hours, and

(iii) has familiarized him or herself with the provisions of the Uniform Mediation Act found at 710 ILCS 35/1, et seq., and

(iv) has a recognition that he or she should mediate a minimum of four pro bono or reduced fee cases annually, and

(v) has familiarized him or herself with Supreme Court Rules 900 et seq. and Part 9(m) of these Rules of Practice of the Circuit Court.

(C) Guardians ad litem, Child Representatives and Attorneys for a Child. An attorney seeking approval as a guardian ad litem, child representative or attorney for a child must submit to the court a curriculum vitae showing that the attorney meets 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 cases or equivalent education programs consisting of a minimum of ten (10) hours of continuing legal education credit within the two years prior to the date the attorney qualifies to be appointed.

(3) To remain on the approved list, each attorney shall attend continuing legal education courses consisting of at least ten (10) hours every two year period and submit verification of attendance to the Office of the Chief Circuit Judge at the time of attendance or upon request. The ten hours should include courses in child development; ethics in child custody cases; relevant substantive law in custody, guardianship and visitation 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.

(D) Application Process and Approval of Parent Educators and Child Custody Mediators.

The Chief Judge shall review all applications or curriculum vitae of those seeking approval as a parent educator or child custody mediator. The Chief Judge may require any biographical or other relevant information not heretofore mentioned from an applicant in order to determine whether the applicant should be included on the list. The Chief Judge has the right to approve any person or program, make the approval subject to conditions subsequent, reject the application of any person who applies and to subsequently remove any person or program from the list. Inclusion on the list by the court shall not be considered a warranty of any kind. The Chief Judge shall consistently provide each of the Circuit Clerks of the four counties of the circuit an up-to-date listing of approved (including those approved by the Circuit Court Advisory Committee) parent educators and mediators. The Circuit Clerks of each of the four counties of the circuit shall make this list easily and publicly available.

(i) Relief From Denial. An applicant denied inclusion on, or removed from, the court approved list may appeal the decision in writing within ten (10) days to the Circuit Court Advisory Committee. The Committee shall decide the appeal after consideration of the application submitted to the Chief Judge, any supplementary material from the applicant and an opportunity for the applicant to be heard.

(E) Decertification of Parent Educators and Mediators. The eligibility of each parent educator and mediator to retain approved status shall be periodically reviewed by the Chief Judge, and in any event no longer than three (3) years after the date of appointment. Failure of a mediator to adhere to the standards of conduct as provided herein or, in the case of parent educators, to provide appropriate services as described in their previously submitted curriculum/syllabus may result in the decertification or conditional re-approval by the Chief Judge. If the Chief Judge decertifies or conditionally re-approves a parent educator or mediator, that parent educator or mediator may appeal such decision for review to the Circuit Court Advisory Committee as provided in Part (n)1(D)(i) above.

SCREENING PROTOCOLS FOR MEDIATORS

Pursuant to Rule 3 of the 14th Judicial Circuit Family Mediation Program, the following safety protocols are adopted in an attempt to protect against the occurrence of violence in the course of mediation and to enable each party in mediation to negotiate without feelings of undue influence or coercion. Mediators are encouraged to abide by the following protocols:

A. When first contacted to serve as a mediator, the mediator or the mediator's designee should ask the party calling:

1. If any party or any of the children had any medical treatment or hospitalization for psychiatric disorders?
2. If there are any concerns regarding the use of alcohol and/or drugs by any party?
3. If there has ever been any physical confrontations between the parties?
4. If any of the parties have any other concerns about their own emotional or physical safety?
5. If any party is afraid to meet with the other party and the mediator.

B. When a mediation appointment is made with one of the parties, regardless of whether any concerns about exclusion were raised, the mediator should call the other party to confirm the appointment. The questions in Section A above should be asked of the second party.

C. Whenever an active Order of Protection is in force, the mediator may schedule the initial meeting with the parties at separate times and determine from these meetings whether it will be advisable to meet jointly with the parties.

D. Where there has been a history of domestic violence, and the parties meet jointly, the mediator should set firm ground rules for negotiation — e.g., no name calling, no shouting, etc.

CONFIDENTIALITY AGREEMENT

IT IS HEREBY AGREED by and between the mediation participants,
_____ and _____, their representatives,
_____ and _____, and the mediator, _____ that all
matters discussed during any and all mediation sessions shall be confidential and shall not
be disclosed by the participants or the mediator in any court proceeding or any court of law,
except as follows:

- A. if the 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.

DATED: _____

SO AGREED:

**14TH JUDICIAL CIRCUIT FAMILY MEDIATION PROGRAM
STATISTICAL TERMINATION RECORD**

Please complete this form following the termination of each mediation case that you conduct. This information will be used to help evaluate the program.

- 1] Rock Island County Case Henry County Case
 Whiteside County Case Mercer County Case
- 2] Referral source: Attorney Court Order Self-Referred Other _____
- 3] Was mediation required by a joint parenting agreement? Yes No
- 4] Parties involved in mediation: Mother Father Grandparents
 Other Relatives Other Adults _____
- 5] Did children participate in mediation sessions? Yes No
 How many ____ When (*i.e. first session, last session*) _____
- 6] Length of time couple was separated or divorced prior to the beginning of mediation _____
- 7] When did mediation begin: prior to final hearing
 after final initial court settlement: post decree
- 8] Original issues presented for mediation: Custody Visitation Removal Other
- a] What other issues were resolved? _____
- b] What other issues surfaced during mediation which were not resolved?

- 9] Did mediation result in an agreement by both parties?
 No Yes Written or Verbal Signed or Unsigned
- 10] If no agreement was reached, was mediation terminated by:
 Mediator Couple Mother Father All agreed to terminate
 No Show _____
- 11] Total number of sessions in mediation _____
- 12] Total number of hours in mediation _____
- 13] Time span required in mediation process:
 Date of initial mediation session _____ Date of termination session _____
- 14] Total cost of mediation: _____
- 15] Which parties negotiated in good faith? Both One None

REVISED 2-15-06

REVISED 3-24-06

EFFECTIVE July 1, 2006