

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT

COUNTY, ILLINOIS

_____)
) Petitioner,)
) vs.) Case No: _____
_____)
) Respondent.)

ORDER OF REFERRAL TO MEDIATION

Pursuant to Circuit Rule Part 6.10 the parties are ordered to participate in mediation.

The Mediator [] agreed upon by the parties [] ordered by the Court is:

Name _____
Address _____
Telephone _____ Fax _____

Issue(s) to be mediated:

- [] Initial Allocation of Parenting Time [] Modification of Allocation of Parenting Time
- [] Initial Allocation of Parental Responsibilities [] Modification of Allocation of Parental Responsibilities
- [] Relocation intra-state of parent with 50% [] Relocation out of state of parent with 50%
- or more parenting time more than 50 miles or more parenting time more than 25 miles
- away from current residence. away from current residence
- [] Preparation of Parenting Plan
- [] Other non-economic issues relating to the children (*specify*): _____

- [] Economic issues involving the parties (*specify*): _____

First Status Date: (*within 45 days*): _____

Order to Initial Mediation:

The parties are ordered to contact the mediator within three business days of this Order and shall schedule an orientation session with the mediator as soon as can be reasonably scheduled.

Party A:

Name of Party _____ Telephone _____
Address of Party _____
Attorney for Party _____ Telephone _____
Attorney's Address _____ Fax _____

Party B:

Name of Party _____ Telephone _____
Address of Party _____
Attorney for Party _____ Telephone _____
Attorney's Address _____ Fax _____

CHILDREN'S INFORMATION

Child's Name	Year of Birth (age)	School (grade)	Residing with:
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Guardian ad Litem or Child Representative: (has been appointed for the child(ren) and shall have full access to child(ren) and all relevant documents and mediation reports.)

Name _____ Telephone _____
Address _____ Fax _____

Fee allocation:

- Party A shall pay _____% and Party B shall pay _____% of mediator's fees.
- Party _____ shall initially pay all fees, but the final allocation of fees reserved.
- This is a low-income case and the mediator shall provide services at a reduced fee pro bono.*

The parties represent to the court as follows: (*at least one box must be checked*)

- No orders of protection have ever been entered involving the parties to this case, or
- The parties are, or have been in the past, involved in a proceeding(s) under the Illinois Domestic Violence Act.
- A current order of protection prohibits one of the parties from having any contact with the other party.

County and Case Number(s) of IDVA cases involving the parties:

If the parties in mediation are subject to an order of protection which prohibits contact, they shall only attend separate orientation and mediation sessions.

Additional Orders:

Unless otherwise ordered, or at the specific request of the mediator, neither party, nor counsel for either party, nor any person acting on behalf of either party, shall send pleadings, correspondence, or other written materials to the appointed mediator.

Prior to commencing mediation, all parties including the mediator shall sign a confidentiality agreement in conformity with Circuit Court Rule Part 6.35. Except as otherwise provided by law or Circuit Court Rule, all written and verbal communications made in a mediation session are confidential and may not be disclosed by the mediator or any other participant or observer of the mediation, except that parties may report to their attorneys or counselors who shall maintain confidentiality.

Neither party shall discuss the details of the mediation sessions with their minor child or children.

The mediator may include the minor child(ren) in the mediation process if all parties agree.

At the initial orientation session the mediator shall inform the parties of their rights and obligations in mediation.

In addition, at the initial orientation session and from time to time as necessary during the course of the mediation, the mediator shall screen the parties for the presence of impediments to mediation. An impediment to mediation is defined as any condition, including but not limited to domestic violence or intimidation, substance abuse, child abuse, mental illness, or a cognitive impairment, which hinders the ability of a party to negotiate safely, competently, or in good faith.

If a mediator determines that an impediment exists which hinders the ability of the parties to negotiate safely, competently, or in good faith, mediation shall terminate and the case shall be returned to court for further proceedings, unless the parties agree to continue to mediate and the mediator determines that the implementation of safeguards would remove the impediment(s).

The parties are expected to attempt to mediate their dispute in good faith. Failure to attend a mediation session or failure to participate in mediation in good faith may subject a party to sanctions. Sanctions may include an assessment of mediation costs and/or attorneys fees incurred by the other party.

Mediation shall terminate upon the following:

- a. When all issues have been resolved, or
- b. When an individual necessary to facilitate settlement of the dispute refuses to be present, or
- c. When in the opinion of the mediator no purpose would be served by continuing the mediation, or
- d. When the mediator determines that an impairment exists which hinders the ability of the parties to negotiate safely, competently, or in good faith, or
- e. After three hours of mediation upon the request of either party, or
- f. Upon order of court for good cause shown.

The mediator shall prepare and file with the Circuit Clerk a Mediator's Status Report on the prescribed form within ten days of the termination of mediation or within ten days prior to the status date set on page 1 of this Order. The report shall contain the following information (*use the Ninth Judicial Circuit prescribed Mediator's Status Report*):

- a. The number, duration, and attendance at mediation sessions.
- b. Whether mediation has been terminated.
- c. Whether the mediator recommends additional mediation sessions.
- d. Whether an agreement was reached.
- e. The status of payment of the fees for mediation, or if mediation services were provided *pro bono* or at a reduced rate.

No permanent allocation of parental rights or responsibilities hearing shall be set until such time as the mediation is completed.

EACH COUNSEL OR PARTY IS TO PROVIDE A COPY OF THIS ORDER TO THE MEDIATOR.

Entered this _____ day of _____, 20_____.

Judge

Copy Received:

Father or Father's Attorney

Mother or Mother's Attorney

Prepared by:

Attorney's Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Fax: _____

ARDC#: _____