

West's Smith-Hurd Illinois Compiled Statutes Annotated

Court Rules

Illinois Supreme Court Rules (Refs & Annos)

Article IX. Child Custody Proceedings

Part B. Child Custody Proceedings Under the Illinois Marriage and Dissolution of Marriage Act and the Illinois Parentage Act of 1984

ILCS S. Ct. Rule 923

Formerly cited as IL ST S. Ct. Rule 923

Rule 923. Case Management Conferences

Currentness

(a) Initial Conference. In a child custody proceeding under this part, an initial case management conference pursuant to Rule 218 shall be held not later than 90 days after service of the petition or complaint is obtained. In addition to other matters the court may choose to address, the initial conference shall cover the following issues:

(1) Parenting Education. The parents shall show proof of completion of an approved parenting education program as required by Rule 924, provide a fixed schedule for compliance, or show cause to excuse compliance;

(2) Custody and Parenting Plan. The parents shall provide the court with an agreed order regarding custody and an agreed parenting plan, if there is an agreement;

(3) Mediation. If there is no agreement regarding custody or a parenting plan or both, the court shall schedule the matter for mediation in accordance with Rule 905(b) and shall advise each parent of the responsibilities imposed upon them by the pertinent local court rules.

(b) A full case management conference shall be held not later than 30 days after mediation has been completed. In addition to other matters the court may choose to address at the conference, and if the court has not appointed counsel previously, the court shall address whether to appoint an attorney for the child or a guardian *ad litem* or a child representative in accordance with section 506 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/506).

Credits

Adopted February 10, 2006, effective July 1, 2006.

COMMITTEE COMMENTS

Special Supreme Court Committee on Child Custody Issues

Paragraph (a) provides that an initial case management conference is required within 90 days after service of a petition or complaint is obtained in a dissolution of marriage case involving a child or in a paternity case. At the initial conference the trial court will ensure compliance with parenting education requirements (Rule 924) and determine whether the parents have agreed to a custody and parenting plan. Parents not in agreement regarding custody and

parenting plan issues at the time of the initial case management conference will be referred to mediation. The trial court may also use the initial case management conference to address other matters it deems proper.

Each judicial circuit which currently has a mediation program has a provision in their local circuit court rules explaining how parents whose children are the subject of a custodial dispute must comply with the circuit court rules. These rules vary from judicial circuit to judicial circuit. In Cook County, parents are required to attend the mediation session but, if they do not agree with the mediator's decision, the parents merely bring this fact to the attention of the circuit court. In Du Page County, if the parents do not agree on child custody after they have completed the requirements of the mediation program, they are required to see a clinical psychologist for a mandatory evaluation. Another difference between the judicial circuits is how the costs of mediation are paid. While many mediation programs impose costs, the Cook County Circuit Court's Marriage and Family Counseling Service is free.

Paragraph (a)(3) supports the Special Committee's goal of allowing the individual judicial circuits to adopt rules and set up programs which best suit that circuit's needs.

Paragraph (b) provides that in cases referred to mediation under the rule, a full case management conference is required within 30 days after mediation is completed. At the full case management conference, the court will consider, *inter alia*, the appointment of counsel for the child as provided in section 506 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/506).

I.L.C.S. S. Ct. Rule 923, IL R S CT Rule 923
Current with amendments received through 8/15/2014

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