

McHenry County Family Law Division Standing Order 2020-04

Procedures in the Family Division for Mediation Pursuant to the Continuity of Operations COVID-19 Protocols

IT IS HEREBY ORDERED that, in response to the COVID-19 Pandemic and while the court is operating under the Circuit's Pandemic Continuity of Operations Plan and hearing only essential matters in accordance with the Illinois Supreme Court Order filed under M.R. 30370 on March 17, 2020, the Judges of the Family Division have conferred and agreed to temporarily put in place the following procedure to **encourage and allow parties to engage in mediation**.

¶ 1. **Purpose.** The 22nd Judicial Circuit Court currently encourages parties to participate in mediation to try and resolve disputes. Mediation can help recognize, foster and preserve the best interests of the children involved in divorce and family litigation. It also provides a reasonable, cost-effective, alternative dispute resolution forum for the parents in divorce and family litigation. Accordingly, the Court has encouraged, and sometimes required, parties to participate in mediation.

The Court maintains this position during the COVID-19 pandemic. If parties have a pending case in which mediation is appropriate or required, *they are strongly encouraged to submit an agreed order and begin mediation rather than waiting until regular courthouse operations resume.*

¶ 2. **Types of Cases.** Mediation orders may be sought and entered for cases pending before Judge Mark R. Facchini (CR 361), Judge Jeffrey L. Hirsch (CR 360}, Judge Justin M. Hansen (CR 359), and Judge Robert J. Zalud (CR 365), other than proceedings for orders of protection, stalking-no contact orders and civil-no contact orders.

¶ 3. **Mediator List and Court Forms.** The Court maintains a list of approved mediators. It also has a form "Mediation Order."

A copy of the mediator list, the form order, and other information about mediation may be obtained at:

<https://www.mchenrycountyil.gov/county-government/courts/22nd-judicial-circuit/mediation-advisory-council>

Before selecting a mediator, parties should contact that mediator to determine if he or she is currently accepting new cases and willing to conduct mediation via telephone or videoconference.

¶ 4. **Agreed Orders for Mediation.** Proposed agreed mediation orders shall be emailed to the assigned Judge via the following email address: proposedorders@22ndcircuit.illinoiscourts.gov. If the agreed order is approved by the judge, it will be entered ai;;id filed with the Clerk of the Circuit Court and otherwise made available as soon as reasonably possible. Litigants are reminded the court is working with a reduced staff.

¶ 5. **Required and Discretionary Mediation.** Local Rule 18.03(a)(i) currently requires parties to mediate the following kinds of disputes, with limited exceptions: (1) initial determination of custody, visitation or parenting time; (2) modification of custody, visitation or parenting time and (3) removal or relocation of child or children. Additionally, Rule 18.03(a)(ii) allows that parties may enter a Mediation Order to address other disputed issues. Whether mediation is required or discretionary, parties may submit a proposed mediation order under this standing order.

Entered May 2, 2020