

PART 3 MEDIATION

Rule 47 Mediator-qualifications

The chief circuit judge or the Domestic Relations Court Judicial Coordinator may approve a person to be a mediator for domestic relations courts. To be approved as a mediator a person must meet the following requirements:

1. Possess a juris doctorate or an advanced degree in a field that includes the study of psychology, social work or other behavioral science substantially related to children and family interpersonal relationships.
2. If a mediator is engaged in a licensed discipline, the mediator must maintain said license in full force and effect.
3. All mediators are required to complete a specialized training course in family mediation approved by the chief circuit judge. The training is to consist of at least 40 hours addressing conflict resolution, psychology issues in separation and family dynamics, issues and needs of children, mediation process, skills and techniques and screening for and addressing domestic violence, child abuse, substance abuse and mental illness.
4. Mediators must secure and maintain professional liability insurance which covers the mediation process and provide proof thereof to the chief circuit judge or judicial coordinator.

Rule 48 Mediator-continuing education

Mediators are required to complete five (5) hours of approved continuing education every two (2) years from appointment of which two (2) hours must cover domestic violence issues. The Office of the Chief Circuit Judge and the Domestic Relations Court Judicial Coordinator shall maintain a list of approved education programs. A mediator/applicant may request approval of a non-listed educational program from the chief circuit judge or from the judicial coordinator. A mediator shall provide proof of completion to the chief circuit judge or judicial coordinator.

Rule 49 Mediator-list, pro bono and statistical obligations

- (a) Upon approval or renewal of a mediator application, the mediator will be placed upon a list of approved mediators for the 10th Judicial Circuit. Only mediators on this list are approved and can be court appointed to mediate cases pursuant to Illinois Supreme Court Rule 905.
- (b) All mediators must be available to mediate two pro bono cases annually.
- (c) Mediators must comply with requests for statistical information from the chief circuit judge or the judicial coordinator.

Rule 50 Mediator-removal

(a) A mediator may be removed from the list of approved mediators by the chief circuit judge for good cause.

(b) A complaint to the chief circuit judge made against a mediator is to be adjudicated before a panel of three mediators approved by the 11th Judicial Circuit Court, State of Illinois chosen at random by the chief circuit judge of the 10th Judicial Circuit Court. The hearing is to take place within 160 days of filing the complaint with the chief circuit judge at times and places designated by the panel. The recommendation of the panel is to be mailed to the chief circuit judge within 45 days of the hearing.

Rule 51 Initial mediation procedure

(a) At the case management conference the trial judge will assign a mediator who is either agreed by the parties or who is appointed in a random selection procedure. The judge will also assign the cost of mediation and/or determine pro bono eligibility.

(b) At the commencement of mediation, the mediator shall:

1. Determine the issues to be mediated.
2. Explain that the mediator will not provide legal advice, therapy, or counseling.
3. 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.
4. Inform each party of his/her right to obtain independent legal counsel.
5. Inform parties that:
 - a. mediation can be suspended or terminated at the request of either party after three (3) hours of mediation, or in the discretion of the mediator as set forth below.
 - b. the mediator can suspend or terminate the mediation if an impediment exists, if either party is acting in bad faith or appears not to understand the negotiation, the prospects of achieving a responsible agreement appear unlikely, or if the needs and interests of the minor children are not being considered.
6. Explain the mediation process is confidential as outlined herein.
7. Confirm the parties' understanding regarding the fee for mediation services and any reduced fee arrangements for parties with financial hardship.
8. Reach an understanding with the parties as to whether the mediator may communicate with either party or their legal counsel or with other persons to discuss the issues in mediation in the absence of the parties. Any separate communication which does occur shall be disclosed to the parties at the first opportunity.
9. Advise each party that legal counsel, advocates, or other persons may be present only if both parties and the mediator agree in advance. Such individuals may be available for consultation for each participant while mediation is in progress.