

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
DOMESTIC RELATIONS DIVISION**

ADMINISTRATIVE ORDER: 2020 D 23 Amended

SUBJECT: Participation in Remote Court-Ordered Evaluations, Amended in Response to General Administrative Order 2020-02

EFFECTIVE IMMEDIATELY, IT IS HEREBY ORDERED THAT:

1. When circumstances dictate, in the interest of health, safety and other considerations, Guardians *Ad Litem* and Evaluators appointed pursuant to 750 ILCS 5/604.10 or Illinois Supreme Court Rule 215 (hereinafter collectively referred to as “Evaluators”) are hereby authorized to conduct remote evaluations, in person evaluations or any combination thereof as circumstances dictate or they deem appropriate. In the event the interviews and/or observations are conducted in person, proper social distancing shall be maintained.
2. The evaluator shall notify, via email, the parties and all counsel of record a proposed start date of the evaluation and the modality or modalities of participation (e.g. Zoom, Doxy, Go To Meeting etc.). The Evaluator shall attach or provide a hyperlink to this Administrative Order within the email.
3. Upon receipt of the email, a party who does not agree that the evaluation modality or modalities are appropriate shall file within three (3) business days an objection stating their reasons. All objections shall be filed with the Clerk of the Circuit Court of Cook County and tendered to the Judge presiding over the case via email, with a copy to all counsel of record or self-represented parties and the evaluator, to either:
 - i. the Court Coordinator for any judge who maintains an individual calendar, or
 - ii. the Court Coordinator for the applicable judicial team, or
 - iii. the Division Administrator for any judge who does not have a Court Coordinator, or;
 - iv. any other method directed by the judge assigned to the matter.¹
4. Upon receipt of the objection, all parties and counsel of record shall have three (3) business days to respond. All responses shall be filed with the Clerk of the Circuit Court of Cook County and tendered to the Judge presiding over the case via email, with copy to all counsel of record or self-represented parties and to the court staff person designated in paragraph three (3).
5. Upon receipt of all Objections and Responses, the Judge presiding over the case shall either rule on the pleadings or shall schedule a remote proceeding if the Judge, in his or

¹ A list of contact information for all Court Coordinators and the Division Administrator is attached.

her sole discretion, deems a hearing or oral argument necessary. Court staff shall transmit the Judge's ruling to all counsel of record and self-represented parties within seven (7) days of the expiration of time to respond to objections.

6. If no objections are filed, the remote evaluation shall go forward.
7. The use of auditory and visual modalities (i.e. video conference) is preferable for all remote evaluations. The modalities employed in the evaluation shall be documented in the report to the Court.
 - a. If audio-video conference is not available, for example, because of the lack of accessibility to necessary equipment or broadband by the party to be evaluated, at the evaluator's discretion telephone-only interviews are permissible.
 - i. Any party who alleges that they are unable to participate in an audio-visual remote proceeding due to lack of access to necessary technology or for any other reason must file an Affidavit explaining their limitations.
 - ii. The Affidavit shall be signed and submitted under all of the responsibilities and consequences of Illinois Supreme Court Rule 137 and 735 ILCS 5/2-109. An electronic signature shall suffice.
 - iii. The Affidavit shall be filed with the Clerk of the Circuit Court of Cook County and emailed to the person designated in paragraph three (3), all counsel of record and self-represented parties via email as an exhibit to the person's Objection in accordance with the provisions of paragraph three (3).
 - b. If video conference is available, the evaluator shall use network security and a HIPAA compliant platform.
8. When adults are interviewed remotely, the following guidelines shall apply:
 - a. All interviews shall be strictly private. No other person(s) may be present in the room or be within earshot of the interview. No audio or video recording of the interview by the person being interviewed or on their behalf is permissible. The evaluator shall ascertain to the extent possible the interviewee's compliance, (e.g. a periodic 360-degree camera inspection of the interviewee's room.)
 - b. When possible, minor children should not be present at the same physical location when an adult is interviewed. The interviews could take place, for example, during the other parent's parenting time. If circumstances prevent this and children will be present at the interviewee's location, they should be supervised by another person during the adult's interview(s). Children may not enter the

room during the interview(s). Steps must be taken by the interviewee to ensure that children cannot overhear the interview.

- c. The evaluator should discuss with adult interviewees in advance the matters described in paragraphs 8 (a) and 8 (b) above and should so document in the report to the Court. If the evaluator ascertains that it is not possible to ensure the safeguards in paragraphs 8 (a) and 8 (b), the evaluator should so inform counsel prior to proceeding with the evaluation and should ask for direction from the Court.
9. When children are interviewed or parents and children are observed, the following guidelines shall apply:
 - a. When a child is interviewed, reasonable measures shall be taken by the evaluator, parents and caretakers to ensure the child's privacy during the interview.
 - b. Evaluators will be cognizant of the possibility of undue influence on the child when interviewed separately or when the parent and child are observed together, and will take measures to mitigate the effects as much as possible. For example, the evaluator may consider interviewing the child while the child is at each home.
 - c. The choice of modality/modalities, reasons thereof, child's privacy, and adequacy/reliability of the information gathered shall be noted in the report to the Court.
 - d. If the evaluator ascertains that it is not possible to safely and reliably interview the child and/or conduct observation sessions using one of these modalities, the evaluator should inform counsel and ask for direction from the Court.
 10. When psychological testing is conducted, the following guidelines shall apply:
 - a. Psychological testing shall be conducted via an appropriate telepractice platform while video conferencing so that the Evaluator can observe the evaluated party.
 - b. The Evaluator may also employ a videoconference "shared screen" with the evaluated party.
 - c. The modalities used shall be noted in the report to the Court.
 11. If an Evaluator determines that the circumstances in a case prevent the adequate and / or reliable completion of a remote evaluation, the Evaluator will convey that information to counsel before commencing, or as soon as practical upon making that determination, and will seek further guidance from the Court.

12. The cost of the remote proceeding shall be paid by the parties in the same manner as the parties have been ordered to share the fees and costs of the Evaluator's services unless the Judge presiding over the matter orders otherwise.
13. The terms of this Administrative Order shall apply to all evaluations previously ordered but not yet commenced, or not yet completed. It shall apply regardless of whether the evaluations were scheduled before this Order went into effect. For matters scheduled before this Order went into effect, the Evaluator shall send a scheduling letter in accordance with paragraph two (2) as soon as practical after the entry of this Order or within at least 14 days of the scheduled evaluation. Thereafter, the provisions of paragraph three (3) through paragraph five (5) shall apply.
14. Nothing contained in this Administrative Order shall prohibit the Evaluator from making an audio, visual, or written record of the remote proceeding.
15. The Judge presiding over the matter has discretion to enforce, eliminate, or otherwise modify any of the guidelines contained in this Administrative Order.

Dated the 2nd day of July 2020. This Order shall be spread upon the records of this Court and published. This Order replaces Administrative Order 2020 D 23 which was entered May 7, 2020.

ENTERED:

Grace G. Dickler #1521

HON. GRACE G. DICKLER
Presiding Judge
Domestic Relations Division