



COUNTY DIVISION  
STANDING ORDER  
CALENDAR 1  
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Effective for all cases filed on and after May 22, 2006, the following procedures will be in effect for all cases assigned to Calendar 1 in the County Division of the Circuit Court of Cook County.

**I. Call Times**

- 8:45 A.M. Routine Motions
- 9:30 A.M. Initial presentment of Adoption related matters, Petitions for Interim Orders, Case Management Conferences, Calendar Status Dates, and Regular Motions in all Adoption related cases, except Petitions for the Appointment of a Confidential Intermediary (750 ILCS 50/18.3a); all other matters pertaining to Adoption related cases, except contested hearings or trials.
- 10:30 A.M. Petitions for Appointment of Confidential Intermediary and related matters.
- 11:00 A.M. Set Matters
- 1:30 P.M. Initial presentment of Adoption related matters, Petitions for Interim Orders, Case Management Conferences, Calendar Status Dates and Regular Motions in all Adoption related cases, except Petitions for the Appointment of a Confidential Intermediary (750 ILCS 50/18.3a), all other matters pertaining to Adoption related cases, except contested hearings or trials.
- 2:00 P.M. Set Matters

## II. Routine Motions

The following motions are considered routine and may be resolved without a court appearance:

- To File Amended Petition (with proposed pleading attached; Counsel should consider the impact of Supreme Court Rule 105, when filing such motions);
- Order of Default (Notice is required to all Parties not in Default; e.g. Guardian *ad Litem*). All such Motions must be accompanied by a Military Affidavit;
- Issuance of Passport, Permission to Travel Out of the State of Illinois and Authorize Medical Care (prior to entry of final judgment);
- Motion to Allow Examination of Court File by Petitioner's Attorney;
- Certified Copy of Judgment for Adoption;
- Motion to Amend Judgment (correct typographical error);
- Appointment of Special Process Server;
- Permission to proceed as a Special Needs Adoption,
- Permission to Sue or Defend as an Indigent Person (Must use Forms CCG689 and CCG 689 B);
- Motion to Delete Identifying Information; and
- Continuing Date Set for Entry of Judgment.

Courtesy copies of all Routine Motions and the proposed Order should be delivered to the Presiding Judge's Chambers, Room 1701, no later than 4:00 p.m. on the court date prior to the scheduled date. There is no requirement that such Motions be pre-screened by the Guardians *ad litem*. Notice must be served on the Guardian *ad Litem* if the Motion seeks relief affecting any named or unnamed party, changing a court date set by prior order or the status of the adoptee as established by the Interim Order entered in the matter. If no objection is raised, the Order will be entered on the 9:30 a.m. Call. Orders will be available for pick up after 12:00 p.m. in Room 1701. Objections to Routine Motions can be made by telephone to the Presiding Judge's Office (312.603.2492) in the afternoon of the business day prior to the date scheduled or by 9:00a.m. on that date. If an objection is received, no order will be entered, movant's counsel will be notified and required to reschedule the matter on the 9:30 a.m. or 1:30 p.m. Motion Call.

Routine Motions not requiring notice to any other person or party can be dropped off at the Presiding Judge's Chambers any day during regular business hours. Every effort will be made to enter the appropriate order by 12:00 p.m. for orders received in the morning and 9:00 a.m. on the succeeding court day for motions delivered after 12:00 p.m.

To facilitate the Court's business, every Routine Motion should be accompanied by a Notice of Motion, regardless of whether notice is required, stating that the matter is to be heard on the Routine Motion Call and containing the date that counsel wishes to have the order entered. As a courtesy, copies of all orders entered on the Routine Motion call will be placed in the appropriate GAL's mail slot.

### **III. 9:30 A.M. and 1:30 P.M. Calls**

#### **A. Matters Heard**

The Court will entertain Regular Motions, Case Management Conferences, Calendar Status Calls and Initial Presentments of all Adoption Related Matters, Petitions for an Interim Order (750 ILCS 50/ 13), execution of consents, appointment of counsel and appointment of a Guardian *ad Litem* for minor birth parent(s). Contested matters requiring extensive argument, an evidentiary hearing or a briefing schedule will be scheduled for the Set Call at either of these calls. Contested Adoption cases may be scheduled for pre-trial on motions presented on either the 9:30 a.m. or 1:30 p.m. Adoption Call.

Contested matters will be normally not be heard on the 9:30 A.M. Call, but rather scheduled for hearing on the Set Call for Calendar 1. The matter will be heard by the judge assigned to Calendar 1 on the hearing date. Courtesy copies of all contested motions and supporting memoranda, together with the opponent's response and movant's reply shall be delivered to the Presiding Judge's Chambers by movant's counsel no later than seven days prior to the date scheduled for the hearing of the contested motion. Counsel should consider this requirement in scheduling contested hearings. **No dates for argument will be continued on motions which the parties have been given an opportunity to brief. In the event a party is not prepared to argue on the date set by the Court, the motion(s) will be decided on the briefs.**

The parties may, with the concurrence of a Judge assigned to the County Division, request a pre-trial assignment to a Judge for the purpose of settlement discussions other than the one presiding over Calendar 1. Only one such request will be honored. The fact that a pre-trial conference was conducted by any Judge to whom the matter is transferred for trial shall not, in and of itself, serve as grounds for a substitution of Judge for cause and constitutes a waiver of all parties' right to a substitution of Judge pursuant to 735 ILCS 5/2 - 1001(a)(2).

#### **B. Courtesy Copies**

Courtesy copies of all Petitions for Adoptions without exhibits or attachments and motions which are intended to be filed or presented on the 9:30 a.m. or 1:30 p.m. shall be delivered to the Chambers of the Presiding Judge no later than 3:00 p.m. on the court date prior to the intended date of presentment. Failure to comply with this directive may result in a delay or postponement of the initial hearing on the Petition and/or request for an Interim Order (750 ILCS 50/13) relating to the child's custody and care during the adoption proceeding. This requirement may be satisfied by e-mail or telephone facsimile delivery.

For the convenience of counsel, in cases where filing fee waivers are sought, a courtesy copy of the proposed petition or other documents required by this order may be delivered to the Presiding

Judge's Chambers at the time the fee waiver is sought. If counsel is unable to provide the Court with a date for presentment at that time, notice can be given to the Court by telephone by 2:00 p.m. on the business date prior to the court date chosen for initial presentment.

All Adoption related cases shall remain on Calendar 1 until Judgment is entered, or if contested, until the Presiding Judge or his designee has closed discovery, resolved all dispositive motions and certified the case as ready for trial. At such time, the matter shall be randomly assigned to one of the several Calendars in the County Division for trial. Judges assigned to those Calendars should use their best efforts to schedule the commencement of an assigned trial within 30 days of the trial assignment.

#### **IV. Set Matters**

These consist of contested pre-trial matters on Calendar 1 and trials that have been randomly assigned to Calendar 3 (Presiding Judge's Calendar) for trial. Procedures for pre-trial filings such as trial briefs or motions *in limine* will be discussed and ordered by the designated trial calendar at the time the matter is set for trial. Contested hearings, where the parties have agreed to a briefing schedule can be scheduled electronically. Trials cannot be scheduled or continued via an electronic communication with the Court.

#### **V. Administrative Matters**

##### **A. Appointment and Duties of Guardians *ad Litem***

The Court shall appoint a Guardian ad Litem ("GAL") as follows:

Case Number ending in "0 or 1"	Barbara Bates
Case Number ending in "2 or 3"	Genie Miller Gillespie
Case Number ending in "4 or 5"	Bonnie Kennedy
Case Number ending in "6 or 7"	Margarita Kulys
Case Number ending in "8 or 9"	Edward O'Connell

The appointment will be made at the time of initial presentment or the entry of any Interim Order providing for the care, custody or control of the person sought to be adopted. It shall be the duty of counsel for the Petitioner to furnish the appointed GAL with a copy of the Petition for Adoption, Interim Order and any other material normally provided to the GALs in similar cases. In adoptions where the GAL is appointed as investigator, counsel shall deliver a completed affidavit from each Petitioner concerning their background substantially in the form found at Exhibit 2 together with any exhibits required.

As a convenience, the Presiding Judge's Office will accept such documents for delivery to the GAL's mail slot. Counsel should be aware that the documents will be picked up by the GAL as their

schedule permits. The Presiding Judge's Office will not undertake the responsibility of delivering such materials to the GAL's personal office.

The Court will also determine if an investigation is necessary pursuant to 750 ILCS 50/6 and enter the appropriate order at the time of initial presentment.

In all cases, the Guardian shall file an appearance as Guardian *ad Litem* for the adoptee within 14 days of appointment. From the date of appointment, the GAL shall receive notice of all requests for relief made to the Court by any party as required by either the Rules of the Illinois Supreme Court or the Circuit Court of Cook County. The GAL may file any response deemed necessary to advance the best interest of the adoptee.

The appointed GAL will be available for consultation with counsel by telephone, in person by appointment or by any other mutually agreeable medium. Contact information for the GALs is attached as Exhibit 3.

If the GAL chooses, an answer may be filed on behalf of the adoptee. This pleading must comply with 735 ILCS 5/2-610. The current "form" pleading, unchanged since at least 1939, shall no longer be used. No default will be entered against a child for the failure to file an answer absent an order compelling the filing of such pleading.

The GAL shall, in addition to the above, do the following:

- Review Court file in each case to make certain that pleadings are proper, service is effected on all necessary parties, and that all parental rights have been finally and properly terminated<sup>1</sup>;
- In all cases where the Petitioner(s) are related to the child-adoptee as defined by 750 ILCS 50/1 B, and where investigative report has been prepared by a licensed agency or the Department of Supportive Services, the GAL shall have the discretion to meet with the child-adoptee in an appropriate setting to determine the child's position concerning the proposed adoption. In such cases where one of the Petitioners is the step-parent of the child, the GAL shall obtain and review all documents necessary to determine whether the child is available for adoption and the Petitioners' legal relationship to each other and the child(ren). The GAL is appointed to represent the child's best interest and not the expressed preference of the child. In those cases where an irreconcilable conflict<sup>2</sup> arises in those positions, the GAL shall act in accordance with the suggestions of the American Bar Association standards and seek appointment of a successor GAL and remain in the

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<sup>1</sup> The Clerk of Court will continue to verify the finality of any parallel Juvenile Court proceedings (see VK below).

<sup>2</sup> *In re B.K.*, 358 Ill. App. 3d 1166, 1174 (2005).

case to zealously advocate the child's position;

- Remain apprised of all situations which affect the child-adoptee's status quo as it existed at the time of the entry of the Interim Order;
- Attend and participate in all contested and /or settlement hearings or conferences in the case. Conduct all necessary discovery in connection therewith;
- In cases where the parental rights of the adoptee's biological parents have been terminated in a Juvenile Court proceeding which remains pending, contact the child's Guardian *ad Litem* in those proceedings to determine if anything has arisen in the child's life that remains to be brought to the attention of the Juvenile Court Judge which that person believes would be relevant to the decision to be made by this Court. In such instances, the GAL may desire to contact the Assistant State's Attorney and the Case Worker to determine if such information is material to a determination of whether the adoption is in the child's best interest. The accounts received should be analyzed by the GAL to determine whether such information should be brought to the attention of the Court. If so, the GAL should file the appropriate motion for leave to obtain any and all supporting material which the GAL deems relevant to the child's best interest.<sup>3</sup> In exercising discretion in this area, the GAL should consider that this Court is not sitting in review of decisions made by the Judges of the Child Protection Division of this Court.
- Review the investigative reports prepared in connection with the adoption and investigate any issues that arise in the report which adversely impact what the GAL believes is in the adoptee's best interest. Absent the known existence of contrary facts or an inherent inconsistency in the investigative report, the GAL is presumed to be acting in a reasonable manner by relying on the facts set out in the investigative report without undertaking any independent investigation;
- In all adoptions where no investigative report is prepared for Court review by a licensed agency or the Department of Supportive Services, obtain and review a Criminal History from the Illinois State Police as a result of a fingerprint search, a CANTS and Sex Offender Registry search on any Petitioner who is not related to the child as a biological or legal parent;
- If no investigative report by a licensed agency or the Department of Supportive Services has been required by the Court and it comes to the attention of the GAL that a petitioner who is not the biological parent of the adoptee has committed<sup>4</sup> any offense involving sexual abuse of any person, physical abuse or abandonment of a child, or been convicted of any felony offense as defined by the laws of the

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<sup>3</sup> Petitioners' attorneys can facilitate this process by furnishing the GAL with the case workers contact information and the identity of the Public Guardian as soon as possible after appointment.

<sup>4</sup> Committed includes any offense for which there has been an adjudication of guilt regardless of whether a judgment of conviction was entered; e.g. a disposition of supervision.

jurisdiction in which it occurred, the GAL shall petition the Court to order an investigative report prior to the entry of a judgment of adoption. Nothing herein shall preclude the GAL from requesting the Court to order a new or additional investigative report in any case where the GAL believes that such information will be relevant and necessary to the Court's resolution of the matter;

- In all cases, in lieu of an answer, file with the Court a recommendation, in a form substantially similar to Exhibit 1, as to what is in the best interest of the child based upon a review of all available data. If the GAL concludes that the adoption is in the best interest of the child, a consent to the adoption should be filed by the GAL in all cases where the child is under the age of 14.
- The GAL will no longer "screen" motions, proposed judgments or other pleadings before presentment to the Court. If the GAL wishes to support or oppose any relief sought by the movant, a proper pleading must be filed which advances the GAL's position. Copies of such pleadings must be served on all parties as required by the applicable rules.

#### **B. Fees for Guardians *ad Litem***

For all cases filed on and after July 1, 2006 the following fee schedule shall be in effect. In special needs adoptions or re-adoptions subsequent to a special needs adoption, the GAL's fee shall be \$125.00 in a single child adoption. In such cases where more than one child is sought to be adopted, the GAL shall receive \$50.00 for each additional child. The total fee in special needs adoption shall not exceed \$225.00, unless the GAL has received authority from the Court to incur additional fees. Such approval must be obtained by proper motion and notice.

In related adoption cases, the GAL shall receive \$175.00. If the GAL determines to conduct an interview with the child-adoptee, other than to obtain the consent of a minor adoptee of the age of 14 years and older, he or she shall will be paid at the hourly rate established by Supreme Court Rule for appointed counsel plus travel expense at the rate of \$0.34 per mile plus parking and tolls. Such additional fees will be awarded only after a hearing conducted after presentment of a proper petition

All other fees, as established by General Order of the County Division (04 CoMS 23) entered October 29, 2004, will remain the same. Scheduled fees are due and payable as of the date of appointment.

#### **C. Interim Orders**

In order to comply with the requirements of 750 ILCS 50/13, such orders will be entered in the following situations:

- In cases where all parental rights have been surrendered, otherwise terminated, or their identity is unknown because the child was found abandoned, the Court will enter an Interim Order placing the child(ren) in the Petitioner or Petitioners' care,

custody and control pursuant to an interim custody order upon a showing, in adoptions other than that of a related child or through an agency, that such person or person will provide suitable temporary custodial care for such child or children (750 ILCS 50/13 A);

- In cases where one biological parent has consented to adoption or surrendered their parental rights and the child or children have been placed by the biological parent or an agency with the Petitioner or Petitioners, upon a showing that the whereabouts or identity of the other biological parent is unknown, an interim custody order will be entered. In order to make such a showing, the Court will require, at a minimum, an Affidavit of Identification as set out in Exhibit 4 to this Order and/or an Affidavit showing factually what steps have been taken to locate and notify the absent biological parent.;
- In all other cases, no order relating to custody will be entered unless the Court has obtained jurisdiction over the absent biological parent by service of summons or publication and such person has been served with notice of the hearing requesting such relief in accordance with the Rules. Provided, nevertheless, that any party may seek such relief in all cases without notice in accordance with 750 ILCS 50/18 (f).

#### **D. Ex Parte Interim Orders**

Any request for the entry of an Interim Order pursuant to 750 ILCS 50/13(f) ("Ex parte Order") shall be made by separate Petition supported by an affidavit stating facts which demonstrate that notice of the proceeding to any person possessing parental rights should be excused because immediate danger and irreparable harm will occur to the child if such notice is given. Courtesy copies of such motions together with supporting documents which are intended to be presented shall be delivered to the Chambers of the Presiding Judge no later than 3:00 p.m. on the business date prior to the intended presentment for cases scheduled for the 9:30 a.m. call and 10:00 a.m. on the same date for matters on the 1:30 p.m. Call.

#### **E. Setting Matter for Judgment**

At the conclusion of the hearing on the initial presentment of the Petition for Adoption, if appropriate, Counsel for the Petitioner(s) shall select a proposed date for entry of Judgment. This will be scheduled by entry of a Case Management Order (Exhibit 9). Said date shall be no sooner than seven business days after the expiration of any statutory waiting period. Counsel for the Petitioner shall no later than fourteen days prior to the date set for judgment deliver to the chambers of the Presiding Judge a Motion with proper notice requesting the entry of a Judgment of Adoption. The Motion shall be accompanied by the proposed judgment and all supporting documents. The GAL and all other parties entitled to notice shall receive a copy of all

materials submitted to the Court. Counsel should consider this fact in sequencing a date for entry of judgment. The matter will be heard on the date set for judgment by the case management order.

No later than five business days before the date scheduled for entry of Judgment, the GAL shall cause to be delivered to the chambers of the Presiding Judge either a completed Report of the Guardian *ad Litem* (Exhibit 1) consenting to the entry of judgment or a pleading stating why judgment should not be entered. Copies of either document shall be served on all parties of record as required by the Rules. If the GAL raises issues that may be informally resolved, the parties are directed to exercise their best efforts to reach a resolution prior to the date set for judgment. If they are unable to do so, they may submit an "Agreed Order" to the Court re-scheduling the date set for entry of judgment. The Petitioner may also appear and request a hearing on the Motion for Entry of Judgment. If the matter is to be contested the matter will not be resolved on the date set for judgment, the Petitioner's counsel should obtain three dates from the GAL for a hearing on the Set Call. Any such continuance may be obtained electronically if the Court receives an "Agreed Order" prior to 1:00 P.M. on the date set for entry of judgment.

The Judgment will be entered on the scheduled date, unless the Petitioner and/or the GAL have requested a delay in the entry of judgment, the Court schedules a hearing on the matters raised by the GAL or raises, *sua sponte*, issues which preclude the entry of judgment.

Counsel for the Petitioner may contact the Chambers of the Presiding Judge after 3:00 p.m. on the business day prior to the hearing to determine if a court appearance is necessary to resolve any issues precluding the entry of judgment.

In the event no order is submitted to the Court for entry on the date set for judgment, the Court, on its own motion, will continue the matter for 21 days on the 9:30 a.m. or 1:30 a.m. call and notify counsel to appear. Failure of counsel to appear on the continued date will result in a vacation of all existing orders and a dismissal of the matter for want of prosecution.

#### **F. Taking of Consents to Adoption**

All consents not governed by 750 ILCS 50/10 (O) (Consent to Adoption in a proceeding under the Juvenile Court Act of 1987), shall be general in nature and be in a form substantially similar to that as provided by statute (Exhibits 4,5, and 6 to this Order). In addition, where the consent is executed by the biological mother, she shall also contemporaneously execute an Affidavit of Identification in a form substantially similar to that found in Exhibit 7 to this Order. Such Affidavit of Identification shall be filed with the Court prior to the entry of Judgment and shall become a part of the Court record. Provided nevertheless, upon a showing that the jurisdiction where the consent was taken allows specific consents to adoption, the Court will accept such consents as required by 750 ILCS 50/10 (L). A Guardian *ad Litem* or attorney for minor birth parents will only be appointed after the initiation of adoption proceedings.

## **G. Court Reporters and Interpreters**

Official court reporters are not readily available for the 9:30 a.m. or 1:30 p.m. calls. Counsel desiring a record of proceeding should engage the services of a private reporter. Consents and surrenders are acknowledged in the presence of an official court reporter. Counsel is requested to advise the Adoption Case Coordinator of the necessity of a court reporter at least one business day before the court appearance. The individual will be required to present valid photo identification at the time of the acknowledgment. The Court enjoys the resources of Spanish and Polish language interpreters. If counsel believes an interpreter is necessary for the effective acknowledgment of a consent or surrender, a request for this service should be made at least one business day prior to the date of appearance.

Other foreign language interpreters should be privately arranged. The Court will inquire of the suggested individual to determine their credentials to act as a foreign language interpreter. This will include an inquiry into the person's experience and impartiality. While family members or law office employees may be acceptable for interpreting routine court matters, they will not normally be acceptable as interpreters in contested matters or proceedings such as the acknowledgment of consents or surrenders.

## **H. Case Management Conferences**

As the vast majority of Adoption cases are concluded within six months of filing, the Clerk of Court shall schedule a Calendar Status hearing for such cases two hundred seventy days after initial filing. Notice of that date will be given to all counsel or unrepresented parties of record no later than twenty-one days prior to the selected date. Counsel, familiar with the file, and all *pro se* parties shall appear at the scheduled hearing. No Calendar Status hearing will be scheduled by the Clerk in any matter which has been disposed prior to the date established by the Presiding Judge or which has a scheduled court date subsequent to the automatic case management date established by the Presiding Judge.

In all other Adoption related matters, the Clerk of Court will create a case management date as directed by the Presiding Judge at the time of case initiation. Notice of that date will be given to all counsel or unrepresented parties of record no later than twenty-one days prior to the selected date. Counsel, familiar with the file, and all *pro se* parties shall appear at the scheduled hearing to conduct proceedings as required by Supreme Court Rule 218. No automatic hearing will be scheduled by the Clerk in any matter which has been disposed prior to the date established by the Presiding Judge or which has a scheduled court date subsequent to the automatic case management date established by the Presiding Judge.

## **I. Access to Court Files**

At the time of initial presentment, Counsel may obtain an Order granting future access to the Court file for the instant adoption. The Clerk will furnish the petitioners counsel of record with certified copies of the judgment if requested within thirty days after the matter is concluded. After that time, certified copies will only be available by court order entered pursuant to a routine motion.

Adoptive parents may obtain a certified copy of the judgment by an expedited petition process. Request forms are available from the Clerk. The parent must complete the form, present valid photo identification and pay the required fee. A judge will review the documents and enter an order if appropriate. As some files are stored offsite, there may be a delay in obtaining the certified copy. Requests by adoptees will be processed in the same manner. However, in most instances, information concerning biological parents will be deleted.

Any other party to the proceedings may petition the Court for access to the court file. This request must be made on the 9:30 a.m. or 1:30 p.m. call. Notice of the motion must be served on all parties who have a privacy interest in maintaining the confidentiality of the court record.

Access to confidential adoption information can also be obtained under the confidential intermediary program established by the Adoption Act (750 ILCS 50/ 18.3a) This process is discussed at length below.

## **J. Termination of Parental Rights by Default**

In the Court's opinion, a direct conflict exists between the provisions of the Adoption Act (750 ILCS 50/1 et seq.) which provides "that notwithstanding any contrary provision" of the Adoption Act notice of the adoption proceedings be given to any person identified as the child's father in an affidavit filed in accordance with Section 11 of the Adoption Act (750 ILCS 50/7 C (f)) and states that the failure to timely register with the Putative Father Registry is deemed to be a waiver of any right to any notice in a judicial proceeding for the adoption of the child (750 ILCS 50/12.1(h)). Hence, the Court will not terminate the parental rights of any person named in such affidavit and who has received no notice of the adoption proceedings solely because such person failed to timely register with the Putative Father Registry.

Petitioners seeking to default any necessary party to an adoption proceeding based upon service by publication must file a supporting affidavit establishing factually the action taken that demonstrates honest and well directed efforts to ascertain the whereabouts of the

person sought to be defaulted by such service,<sup>5</sup> as well as, an affidavit as to military service (CCG 0004).

#### **K. Verification of Finality of Parallel Proceedings**

In Adoption cases where the parental rights of a biological or legal parent have been terminated in a Juvenile Court proceeding, this Court is unable to enter a Judgment of Adoption until the appeal rights of each such parent have been exhausted. This must be established by counsel for the petitioner.

If the termination proceedings were conducted in the Circuit Court of Cook County, upon Motion the Court will direct the Clerk of Court to certify the status of any appeal from an order terminating parental rights. For the convenience of counsel the Clerk has published a form motion requesting this action (CCCO 0013).

If such proceedings occurred in any other circuit court of this State or another State, counsel for the petitioner must file an affidavit stating with particularity the status of any such appeal. Such affidavit may reflect the hearsay statement of an identified court official who has advised counsel of the information. Counsel would be well advised, however, to obtain a certified copy of the docket or mandate issued in such cases.

#### **L. Appointment of Counsel/Experts**

A biological or legal parent who appears in an Adoption proceeding is entitled to have legal counsel. If that person is indigent, the Court is required to appoint counsel. If an individual seeks appointment of counsel, an Affidavit of Assets and Liabilities (CCG Form 0041) must be completed and presented to the Court for review on the 9:30 a.m. or 1:30 p.m. adoption call. Counsel will be appointed from a list of attorneys maintained by the Presiding Judge's Office.

Fees in such cases cannot exceed the hourly rate for appointed counsel set by Supreme Court Rule. Requests for fees must be made by Petition either verified or supported by an affidavit, detailing the time expended and work performed which was necessary in representing the client's interest. To facilitate payment, the petition should also include a copy of the Affidavit of Assets and liabilities signed by the client and the order of appointment.

The Court will not authorize payment for the services of an expert unless the engagement has been approved by the Court prior to any services being rendered.

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<sup>5</sup> *Bell Federal Savings & Loan Ass'n. v. Horton*, 59 Ill. App. 3d 923 (1978)

## **M. Communication with the Court**

The Court encourages parties to communicate electronically via [CJCAL3@cookcountygov.com](mailto:CJCAL3@cookcountygov.com). Please direct all communications to the Adoption Case Coordinator, Ms. Contreras. Required courtesy copies may be submitted electronically. In addition, scheduling of most matters, other than trials, can be accomplished without a court appearance by the use of email. Counsel will be responsible for furnishing the Court with appropriate orders.

## **VI. Appointment of Confidential Intermediaries**

Proceedings to obtain the appointment of a Confidential Intermediary (750 ILCS 50/18.3a) are to be scheduled on the 10:30 A.M. Call. The majority of these matters are initiated by *pro se* litigants.

A petition for the appointment of a Confidential Intermediary may be filed by the following persons:

- an adopted person 21 years of age or over;
- a "surrendered person" 21 years of age or over;
- the adoptive parent or legal guardian of an adopted or surrendered person under the age of 21;
- a birth parent of an adopted or surrendered person 21 years of age or over;
- an adult child, adoptive parent, legal guardian, or surviving spouse of a deceased adopted or surrendered person;
- an adult birth sibling of an adopted or surrendered person whose common birth parent is deceased and whose adopted or surrendered person is 21 years of age or over; or
- an adult sibling of a deceased birth parent whose surrendered child is 21 years of age or over.

Any person seeking the appointment of a Confidential Intermediary must accompany the Petition filed with the Court with proof of registration with the Illinois Adoption Registry and Medical Information Exchange. (750 ILCS 50/18.04)

The Confidential Intermediary, if appointed by the Court, will have the authority to conduct an investigation in order to locate and contact the person being sought. This may include access to certain court and other confidential records that would not normally be available for review. However, no investigation can be undertaken if there has been a Denial of Information Exchange filed with the Illinois Adoption Registry by the individual who is the subject of the inquiry. The Confidential Intermediary will not have access to medical information protected by federal law unless the person whose information is being sought grants permission for access to this information

in writing.

While the statute allows the person seeking the services of a Confidential Intermediary to file a Petition in any Circuit Court, experience has shown that it is most efficient to file the petition in the Circuit Court where the adoption occurred. In Cook County, there is no fee for filing the Petition. The statute does require that the appointment of a Confidential Intermediary be conditioned upon the payment of the Intermediary's fees and expenses in advance. (750 ILCS 50/18.3a(d)). Failure to pay these monies may result in the dismissal of the case and end the investigation.

In order to assist individuals seeking the appointment of an Intermediary, the Circuit Court has approved certain forms and enacted certain procedures for use in these proceedings. When filing a Petition, please review this information and use the forms provided. These forms can be found at [www.cookcountycourt.org](http://www.cookcountycourt.org); click on Divisions, County Division and adoptions.

At the hearing, the Court will review the Petition and consider any additional information supplied by the Petitioner in open court. If the Petitioner has established the right to the appointment of a Confidential Intermediary, the Court will enter the order that day. The statute requires the Court to appoint as Confidential Intermediaries persons certified by the Illinois Department of Children and Family Services. The Confidential Intermediary Service of Illinois is administered by the Midwest Adoption Center. The Court will select a Confidential Intermediary randomly from the list provided by the service agency.

If a Confidential Intermediary is appointed, the Court will continue the matter for one year to allow the completion of the investigation. While experience has shown most investigations will be concluded prior to that time, in some instances complications may arise which could cause a delay. The one year date was selected to allow for such eventualities. The Court will forward a copy of the Order of Appointment to the Petitioner and the appointed Intermediary. Midwest Adoption Center will normally contact the Petitioner within three weeks of the appointment at which time the fees will be due.

These matters are formal court proceedings, and as such, procedural rules must be followed. After the appointment of a Confidential Intermediary, the Petitioner should communicate directly with the designated Intermediary and/or with the service agency, Midwest Adoption Center. Any communication to the Court by either the Petitioner or Intermediary should also be sent to the other person and should be styled as a Motion or Petition requesting the Court's official action. The correspondence should be sent to the Court and other party no later than 5 business days prior to the

requested court date. The correspondence should be accompanied by a completed "Notice of Motion" form that is available at [www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org) which states the date, Courtroom 1703 at 10:30 a.m. Personal appearance on that date by either party is not required. The Court will mail a copy of any order entered to the Petitioner and the Confidential Intermediary. The Court reserves the right to continue the matter and require the personal appearance of either or both the Confidential Intermediary or Petitioner.

Dated: May 5, 2006

Patrick E. McGann  
Presiding Judge