

FAMILY MEDIATION PROGRAM
22nd JUDICIAL CIRCUIT, McHENRY COUNTY, ILLINOIS

WELCOME TO MEDIATION

As a general rule, all McHenry County court cases which involve disputes about parenting time, custody, visitation, removal from the State of Illinois or access of parents to their children must be mediated before going to court on these issues. In mediation, a trained, court-approved neutral third party (called a mediator) helps parents clarify areas of disagreement, develop alternative solutions to these areas of disagreement, and resolve their disagreements in a fair and mutually agreeable way which will recognize, foster and preserve the best interests of the children. The mediator appointed in your case is trained to help parents communicate more clearly and to help parents develop a cooperative parenting relationship. Even though mediators are also trained as either attorneys or mental health professionals, mediators will not give parents legal advice or provide therapy. Each parent should receive legal advice (before, during and/or after mediation) from his/her attorney and therapy, if needed, from someone other than the mediator. Either party may have their attorney present during mediation.

Although the goal of mediation is to reach an agreement, you cannot be compelled or pressured to reach an agreement by the mediator or the other parent. However, parents who mediate these agreements are more likely and better able to balance the needs and schedules of both parents and the children. Therefore, mediated agreements are agreements both parents are more likely to comply with, usually last longer and require less court enforcement.

In order for mediation to work, both parents must fully disclose all information, not just what they believe is necessary. All discussions are confidential subject to limited exceptions. Furthermore, while the mediator generally will not disclose the information discussed during session, you may talk about this information with your own attorney or your own mental health professional. However, if you have concerns about your personal safety because of matters discussed in mediation, you should notify the mediator and your attorney immediately.

Failure to attend the first scheduled mediation meeting may result in sanctions by the Court. Any meeting can be rescheduled for good reason upon two (2) business days notice to all parties involved. Mediation can be terminated anytime after three (3) hours of joint sessions (including shuttle mediation), but at a time when both the parents and mediator are all present. Failure to follow these rules will result in a charge for the mediator's time and may cause sanctions to be imposed by the Court.