STATE OF ILLINOIS **UNITED STATES OF AMERICA**
IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT **COUNTY OF DU PAGE**

IN RE ☐ THE MARRIAGE OF
☐ CIVIL UNION OF
☐ PARENTAGE

_____
PETITIONER
VS

_____
RESPONDENT

_____
CASE NUMBER

File Stamp Here

EVALUATION ORDER

This cause coming before the court, and the parties, individually or through their attorneys, representing to the court as follows:

1. The parties have attended at least one (1) meeting with both parties and their attorneys to discuss possible resolution of all issues regarding child custody and visitation;
2. Each party has completed a parental education program as required by Supreme Court Rule 924, if applicable; and
3. The parties have attended mediation if required by Supreme Court Rule 905 or the Parenting Order previously entered in this cause, or mediation has been waived for good cause shown.

The court finds that, pursuant to Local Court Rule 15.16, a custody evaluation would assist the court in making its determination of the dispute which exists concerning:

☐ Sole Custody vs Joint Custody
☐ Primary Residential Custodian
☐ Visitation
☐ Removal
☐ Other _____

IT IS THEREFORE ORDERED:

A. _____ whose address is _____
_____ whose telephone number is _____
is appointed to evaluate and to make a recommendation to the Court.

B. Each party shall be equally responsible for 50% of the cost of the evaluation unless the Court orders otherwise (as follows): _____

The Evaluator shall charge an hourly rate of **$225.00**. The parties shall pay the Evaluator a retainer of **$2500.00**, on or before the first meeting with the Evaluator unless otherwise ordered by the Court (Court ordered retainer: _____ .) Each party shall pay the balance of their proportional costs prior to the court ordered status date. Failure to pay the costs before the status date may result in a judgment for fees or other sanctions being entered against the defaulting party. **The maximum charges for the evaluation, excluding preparation for or attendance at a deposition or a court proceeding shall be $7875.00.**

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C. The parties are ordered as follows:

1. Contact the evaluator within **72 hours** after the date this Order is entered. Cooperate with the Evaluator and provide information necessary to complete the process. Promptly schedule follow-up sessions and make themselves and the child(ren) available for interview and testing. Failure to schedule sessions, to attend sessions or promptly schedule follow-up sessions may subject the party to sanctions for the violation of this order
2. Promptly supply any information necessary to process an insurance claim if either party notifies the evaluator that they wish to submit a claim.
3. Cooperate with the Evaluator to facilitate an expedient and thorough recommendation.
4. Do not tape or otherwise record any evaluation session or part thereof.
5. Do not request discovery of the records of an Evaluator nor try to obtain the deposition of the Evaluator without leave of the court. *"Psychological test material whose disclosure would compromise the objectivity or fairness of the testing process may not be disclosed to anyone ....." (740 ILCS 110/3)*.
6. The parties understand that the evaluation process may be extended by agreement of the parties, the decision of the evaluator, or order of the Court. Attendance at evaluation shall be limited to the parties, the children and those specifically requested by the evaluator.
7. Promptly pay all fees due the Evaluator as follows:
   a. The evaluation fee shall include up to thirty (30) hours for session and costs of testing, plus five (5) hours for preparation of the report.
   b. The parties shall pay for individual sessions at the time of each evaluation session (beyond any retainer that may have been paid and used). In the event payments are not made as ordered by the Court, the evaluator may not suspend the process but shall promptly report failure to pay to the attorneys and the Court.
   c. If a party schedules an appointment and cancels the appointment at least 24 hours before the scheduled time, there will be no fee charged by the Evaluator. In the event a party fails to cancel at least 24 hours before the scheduled appointment, the Evaluator may assess charges against the party who missed the appointment.
   d. If the Evaluator is called to testify, the party calling the Evaluator shall pay the Evaluator for his or her deposition and trial testimony at a rate not to exceed **$225.00** per hour with a deposit of **$675.00** for the deposition and $675.00 for the court time. The deposit shall be refunded if the Evaluator is notified of the cancellation at least five (5) days before the scheduled date. The limitation on charges contained in these rules shall not include time expended for preparation or attendance at a court proceeding or deposition. All costs for the deposition and trial testimony shall be paid by the party calling for the deposition or testimony unless otherwise ordered by court. All depositions shall take place in DuPage County unless the attorneys and the Evaluator agree otherwise.

D. The parties understand that the evaluation process may be extended by agreement of the parties, the decision of the Evaluator, or order of the Court. Attendance at evaluation shall be limited to the parties, the children and those specifically requested by the evaluator.

E. The attorney for the party intending to call the Evaluator as a witness may contact the Evaluator for purposes of scheduling depositions or trial attendance. The attorney for the party calling the Evaluator must seek leave of court to contact the Evaluator to prepare the Evaluator for trial.

F. If either party, a child or other family member of the parties, or anyone else involved in the case, including individual counsel, has any possible conflict of interest with the Evaluator, including but not limited to a current or previous therapeutic, personal or economic relationship with a party, the Evaluator shall immediately notify the attorneys for each party. The parties may select or the Court shall appoint another Evaluator.

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G. The parties shall not engage in therapy with the Evaluator.

H. The information exchanged during the evaluation process does not constitute "mental health services" or "services" within the meaning of the Mental Health and Developmental Disabilities Confidentiality Act and is, therefore, not confidential.

I. The records of an Evaluator are not subject to discovery without leave of court after proper notice to the other parties and the Evaluator.

J. The evaluation may be terminated or suspended at the option of the Court, the Evaluator, or upon settlement of the issues which caused the case to be referred to evaluation as evidenced by a final agreement or Court order.

K. In the event a party fails to promptly attend and participate in the evaluation without good cause shown, the Court, upon motion, may impose sanctions.

L. The evaluation must take place in DuPage County unless the parties agree otherwise.

M. The Evaluator shall submit an Interim Report to the Court (and counsel where applicable) within **60** days after the date of this order, advising the Court as to the status of the evaluation process and whether additional sessions beyond the **thirty (30)** hours will be required.

N. This case is hereby set for status on _____ **(120 days)** _____ **,** at **9:21 am** in Room _____. The Evaluation Report shall be submitted to the Court and to the parties' attorneys at least seven (7) days prior thereto.

O. The attorneys for the parties certify that they have conducted a conference with the parties to explain the evaluation process and to determine the issues submitted for evaluation.

_____
Petitioner

_____
Respondent

_____
Attorney for Petitioner

Name: _____ ☐ Pro Se
DuPage Attorney Number: _____
Attorney for: _____
Address: _____
City/State/Zip: _____
Telephone Number: _____
Email: _____

_____
Attorney for Respondent

Name: _____ ☐ Pro Se
DuPage Attorney Number: _____
Attorney for: _____
Address: _____
City/State/Zip: _____
Telephone Number: _____
Email: _____

_____
Date

_____
Judge

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