

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 330
**CHILD CUSTODY INVESTIGATIONS AND SUPERVISION RELATED TO
CUSTODIAN OR VISITATION JUDGMENTS**

Section

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AUTHORITY: Implementing and authorized by Sections 605 and 608 of the Illinois Marriage and Dissolution of Marriage Act (Ill. Rev. Stat. 1991, ch. 40, pars. 605 and 608)[750 ILCS 5/608] and Section 5 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5005)[20 ILCS 505/5].

SOURCE: Adopted and codified at 5 Ill. Reg. 6731, effective June 26, 1981; amended at 17 Ill. Reg., effective July 1, 1993.

Section 330.1 Purpose

These rules clarify the responsibilities of the Department of Children and Family Services when it is ordered by an Illinois court to perform child custody investigations or to supervise parents to assess whether or not the custody or visitation judgments rendered by the court are being carried out. Additionally, these rules establish the Department's intent to request the court to order either or both parents to pay the Department for the cost it incurs in performing these investigation and supervision responsibilities.

Section 330.2 Definitions

"Child custody proceeding" means a civil court action resulting from a petition requesting dissolution of marriage (divorce) or legal separation, or action taken after one of those judgments has been rendered which involves child custody or visitation.

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"Custody judgment" means a civil action in which the court determines who will have custody of a child. The court may exercise continuing supervision over custody and may order the Department to provide the supervision to assure that the custody or visiting terms of the order are carried out.

Section 330.3 Conducting the Investigation

- a) Upon receipt of a written court order, the Department will perform a child custody investigation.
- b) In child custody investigations Department staff will interview both parents. The Department will also interview children who are able to understand the proceedings as well as other persons who may have information about the child and the custodial arrangement. Primary consideration shall be given to investigating the following:
 - 1) the wishes of the parent(s) regarding the child's custody;
 - 2) the wishes of the child regarding who his custodian should be;
 - 3) the child's interaction and inter-relationship with each of his parent(s), his siblings and others who may significantly affect his best interest; and
 - 4) the child's adjustment to his home, school and community when living with each of the parents.
- c) In child custody investigations the Department will refer the child to professional personnel (i.e., physician, psychiatrist, psychologist) only upon an order of the court. The Department may, without the prior consent of the parent(s) or custodian, consult with any person who may have information about the child and the custodial arrangement. These consultations may include medical or school personnel who have served the child in the past. However, the consent of a child 16 years of age or older shall be obtained prior to any such consultations, unless the court finds that the child lacks the mental capacity to consent.

Section 330.4 Custody or Visitation Supervision

Following a custody judgment, the court may order the Department to supervise the custodian or visiting terms of the judgment. The Department shall, upon receiving a written order to provide such continuing supervision, comply with the terms of the order.

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Section 330.5 Reports

- a) A report concerning a child custody investigation shall be prepared by the Department and shall be sent at least ten (10) calendar days before the hearing to the legal counsel representing each party, to anyone else who is representing each part, and to each party who is not represented by counsel. Also upon request, the Department shall make a photocopy of the case file of the investigation, as provided in Ill. Rev. Stat. 1991, ch. 23, par. 5005 [20 ILCS 505/5], available to legal counsel representing each party, to anyone else who is representing each party, or to each party who is not represented by counsel. The costs of photocopying will be detailed as per Section 330.6 below. The names and addresses of the persons consulted for information shall be included in the case file. Any party has the right to cross-examine the investigator or those persons contacted by the investigator. Department staff shall appear at the hearing only when subpoenaed.
- b) Both parties to custodian or visitation judgments shall be notified in writing of the Department's supervisory role. Reports concerning supervision related to custodian or visitation judgments shall be submitted to the court within sixty (60) days of the court order.

(Source: Amended at 17 Ill. Reg., effective July 1, 1993)

Section 330.6 Costs

- a) When the child custody investigation report is sent to the counsel of the parties, the Department shall request, in writing, that the court enter an order against either or both parties to pay for Department-incurred costs.
- b) When the court has ordered supervised visitation, the Department shall submit in writing the projected monthly costs within sixty (60) days of the court order. The projected costs shall be sent to the court only for cases where the court has determined that the parties are financially able to pay. The court may order additional periodic reports, as appropriate.

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c) The following costs schedule shall be used to project monthly incurred cost:

Worker Time	- \$18.25/hour
Clerical Time	- \$11.11/hour
Travel	- Department of Central Management Services, Travel Regulation Council, travel rule rate (80 Ill. Adm. Code 3000)
Photocopies	- 10¢/page
Diagnostic Assessment	- Actual Expenditure

(Source: Amended at 17 Ill. Reg., effective July 1, 1993)