

# Family Law

The newsletter of the Illinois State Bar Association's Section on Family Law

## Chair Column

BY STACI BALBIRER

### CANDIDLY, I'VE BEEN THINKING

about this specific article for the past two years. When I accepted the position of secretary, two years seemed like a long time. But, here we are. And today, I'm feeling all the feels about taking over as Chair. Excited, nervous and just trying not to screw up all the progress my predecessor made last year.

On that note, a brief shoutout to Jessica Patchik, our former Chair. She was (and is) respected and liked by all. She ran this section council with knowledge, confidence and patience, which is not always easy with a section as big as ours, but you crushed it! Thank you, Jess, for a productive and successful 2024-2025.

But let's get excited about this year! It's wonderful having some new faces around the table (or the Zoom screen), but we will certainly miss those rolling off. Thank you all for your contribution and dedication. We have big shoes to fill, especially me.

Speaking of, and since I'm already four paragraphs in, I should probably introduce

myself. My name is Staci Balbirer. I'm an equity partner with Davis Friedman in Chicago, Illinois. I've been practicing law since 2009 and always family law. At this point in my career, I wouldn't want, or know how, to do anything else. I have two daughters who out lawyer me on a daily basis and a husband who has lived through enough crazy legal stories to last a lifetime. When I'm not lawyering, I'm playing tennis, reading murder mysteries and planning my next big trip. If any of those things appeal to you, reach out, and let's chat!

Enough about me. Back to this year. My goal is to work towards supporting and proposing bills that benefit the residents of Illinois and to help us as attorneys and judges do our jobs better. I know, that's a big goal—but I'm all about big goals. How do you think I got here?

So with that, I hope everyone enjoys their summer and see you here, readers, next month! ■

### Chair Column

1

### How To Deal With Difficult Personalities as a GAL

1

### Recap of Illinois State Bar Association's 149th Annual Meeting

5

## How To Deal With Difficult Personalities as a GAL

BY ERIN WILSON, JULIANA BRANNAN, AND EMILY RUWE

### WHEN A GUARDIAN AD LITEM

("GAL") is appointed on a case, they must interact with many individuals to conduct a thorough investigation. This can involve having difficult conversations with individuals who are experiencing significant emotional distress, conflict, or just general challenges. Managing difficult

personalities can be tough, and GALs often need a plan and strategy to effectively do so. Please note when referring to being a GAL, the same can be said in the role of Child Representative for the purposes of this article.

My primary focus, which should be

*Continued on page 2*

## How To Deal With Difficult Personalities

CONTINUED FROM PAGE 1

all GALs' primary focus, is the child's best interests, so understanding and learning how to navigate and effectively manage conflict with people who may not cooperate but who regularly see the child is essential.

I spend a great deal of my time working as a GAL. During my investigations, I have seen multiple instances where dealing with children, parents, and other attorneys has become difficult, and I am certain my experience is not unique. Unfortunately, this is common due to the harsh realities of a GAL's work. Oftentimes, people can feel scared and nervous when a GAL gets appointed to their case for varying reasons as it pertains to their family. These strong emotions can lead individuals to put up their guard, become defensive, or generally become more difficult to interact with. I have learned many tips and tricks to help others in their investigation when dealing with a difficult personality, and I have sat down today to discuss those.

750 ILCS 5/506 guides GALs in their work and provides in pertinent part as follows:

(2) Guardian *ad litem*. The guardian *ad litem* shall investigate the facts of the case and interview the child and the parties. Unless the court directs otherwise, the guardian *ad litem* shall submit to the court and the parties a written report, written recommendations, or a proposed parenting plan, in accordance with the child's best interests, not less than 30 days before a final hearing or trial. The guardian *ad litem*'s written report or written recommendations shall be admitted into evidence without the need for foundation. The guardian *ad litem* shall be available for deposition before a final hearing or trial notwithstanding any other discovery cutoff. The guardian *ad litem* may be called as a witness for purposes of cross-examination regarding the guardian *ad litem*'s report or recommendations. At the discretion of the court, the guardian *ad litem*:

(i) may be present for all proceedings,

including in camera examinations of the child;

(ii) may issue subpoenas for records as part of the guardian *ad litem*'s investigation; and

(iii) may file pleadings relating to procedural matters.

When talking with parents regarding a GAL investigation, it is important to recognize that people can respond poorly to challenging situations – they are going through one of the most difficult and scariest moments in their life, fighting for what is most important to them. I always make sure to approach my meetings and overall any communications with parents with kindness and respect. Your role as a GAL is not to pick sides or favorites. When making recommendations that may be in line with what one party wanted, I oftentimes have to emphasize that none of this is personal, and explain the basis for the recommendation to demonstrate that it is grounded in fact and evidence rather than feelings towards one parent or the other. You are there for the child, and your investigation and recommendations have to remain focused on that.

My investigation with the parents usually starts with obtaining information in advance from each parent with documentation, if relevant. I find that this helps each parent feel like they are able to show their side of the story and explain their perspective. This includes a detailed intake sheet I send when appointed and asking for any relevant documents they wish for me to review such as communications with the coparent, reports (such as IEP, 504 or neuropsychological reports), pictures or videos, and anything else they feel may be relevant. I review what is provided before I meet with the parents, and I will not meet with a parent until I have my intake sheet. This is intentional because the intake sheet gives me a great deal of insight and background going into the meeting.

## Family Law

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However, no matter how respectfully a GAL approaches the situation, there are still difficult personalities. Sometimes these difficult personalities are a result of undiagnosed, diagnosed, or untreated mental health conditions, sometimes they are not. When a parent becomes difficult with you, it is essential to remain calm and professional. To help with this, I often neutralize my concerns and questions to direct them toward the actual issues at hand rather than the individual parent. Breaking complex cases into multiple issues where the parent and I can address them individually can prevent them from getting overwhelmed and going into shut-down mode.

Recognizing signs of escalation that can cause disruptive behavior and trying to de-escalate the situation is critical. Typically, if a conversation turns into the parent arguing with me or interrupting me nonstop, I will first ask them to please stop their behavior and give them multiple chances, as

again, I understand this can be a difficult situation. If their behavior doesn't change and the conversation turns into disrespect towards me, I will end the call and perhaps schedule another meeting. This allows the parent to cool off and take a break. I always remind the parents that I am there for the child, not them. I remind them that our shared goals are in their child's best interests and wellbeing.

Parents may sometimes have difficulty with each other rather than with the GAL personally. For example, a parent may interfere with the other's parenting time or may start speaking to the other parent inappropriately. When this occurs and it is brought to my attention, I will first ask the other parent for their perspective, investigate as may be necessary, then give my recommendation as expeditiously as possible. I will not tiptoe around it, and I do call out this behavior. Oftentimes, I will try and implement or suggest tools to address these issues, which may include requesting coparenting therapy, or

therapy/coaching for one or both parents.

Although my role as a GAL does not involve issuing court orders to force parent behavior, I can and will provide my insight, concerns, and recommendations about a parent's behavior, which may lead to the court entering orders based on my recommendations. Generally, the more background investigation and support that led to the recommendation, that can be explained to the judge, the better.

Regarding children, I approach any challenging behavior with caution and understanding. I try to make the meetings as little intimidating as possible by emphasizing the child's comfort levels. If there is more than one child, I will typically interview them separately, unless they really want to be together (this is rare but can help in some situations). I schedule meetings with children by taking them to get hot chocolate or ice cream so that they can feel comfortable. Getting some sugar in them and casually sitting and chatting makes the situation less scary for the

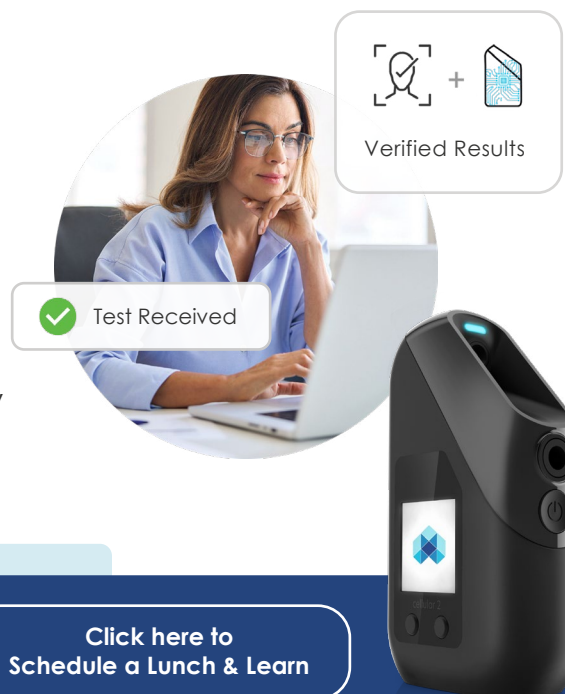


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children involved.

I usually approach my meetings with children in phases. First, I let them know they cannot get in trouble for anything they tell me and reassure them this is a safe space, while explaining my role and seeing if they have any questions and concerns. I also check if they were supposed to tell me anything (*i.e.*, coached by their parents). I try then to go through easier topics such as school, activities, and friends. Opening it up through positive experiences for the child can help make them open up generally for the rest of the meeting.

After the introductory period of the meeting I will proceed by asking the child very open-ended questions, not directed at any specific issue involved with the case. “Tell me about mom/dad?” “What do you like to do with mom/dad?” “What is difficult or challenging or you wish you can change?” I have a list of questions I have curated through the years, and I sometimes modify them based on the responses I get. As the meeting goes on,

the child tends to open up. A neutral environment and not having specific case-related questions helps their comfort levels.

If a child is not talking and shutting down, I will direct my conversation and questions to a yes-no style. Asking questions where a child can say yes or no can give me more insight as a GAL than them not speaking at all. Sometimes how they answer says more than the answer itself. Otherwise, I keep the questions open such as “tell me about...”

Other challenging dynamics can be a litigant’s attorney, who may be disengaged or overly combative at times. Here, it is best to keep everything in writing, and not over engage in communications that do not require responses. Remember, they are litigating on behalf of their client and may be putting on a show, so do your best not to “take the bait.”

Another helpful tool as a GAL is the ability to write reports. I do this often in cases both interim and final reports. This is a great opportunity to demonstrate the thorough investigation you have done and

put forth your recommendations with a road map of the investigation and analysis that led you to those recommendations.

I learned to navigate and direct my conversations and investigations with difficult personalities through experience and problem-solving. I show kindness, respect, compassion, and professionalism in every aspect without tiptoeing around serious issues I see. Ultimately, I will prepare a comprehensive GAL report with relevant facts, behaviors, and recommendations based on my investigation. So, any “bad behavior” from parents or attorneys will show in my report to the court.

I take my role as a Guardian *ad Litem* very seriously, and dealing with difficult personalities is part of the job. Like mine, your role as a GAL is significant and necessary for children’s wellbeing and safety. Having a set plan and tips to help manage bad situations when dealing with difficult personalities can help you do the best job possible, remain calm, and provide a good report. ■



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# Recap of Illinois State Bar Association's 149th Annual Meeting

BY GENEVIEVE E. MILLER, ESQ.

**THE ILLINOIS STATE BAR ASSOCIATION'S** 149th Annual Meeting was held June 5 and 6 at the Lincolnshire Marriott Resort this year and brought together legal professionals from across the state for two days of education, collaboration, and celebration! The conference marked the official installation of incoming ISBA President Bridget C. Duignan, who welcomed attendees with a renewed focus on innovation, inclusivity, and attorney well-being. From continuing legal education to social receptions and business meetings, the event offered a dynamic and enriching experience for all who participated.

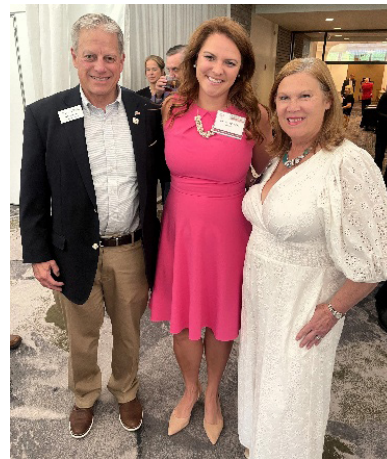
The conference started with substantive board and committee meetings, which laid the foundation for policy discussions that would shape the year ahead. The highlight of the day was the [President's Welcome Celebration](#), which was held on the resort's scenic lawn under the Grand Marquee Pavilion. This festive, family-friendly gathering featured food, entertainment, and community—bringing together not only ISBA members but also their loved ones and several Illinois Supreme Court Justices, including Chief Justice Mary Jane Theis.



(L-R) Board Member Jameika Mangum, John Theis, Illinois Supreme Court Chief Justice Mary Jane Theis, and Genevieve Miller

Friday offered a robust schedule of CLE programs tailored to the evolving needs of today's legal professionals. From the "Rainmaker's 17 Secrets to Marketing & Advertising" to timely insights on immigration law and attorney mental health, the sessions balanced practical guidance with deep policy analysis. Notably, a panel on lawyer wellness addressed pressing issues around burnout and substance use, with speakers from the ARDC, Illinois LAP, and the Illinois Bar Foundation offering resources and encouragement. The diverse programming reflected the ISBA's ongoing commitment to empowering its members both professionally and personally.

In addition to CLEs, Friday featured the ISBA Assembly Meeting, the organization's primary decision-making body, which tackled important association business and policy updates. Attendees could also explore a member services exhibition hall, grab a networking lunch, and enjoy the Assembly Appreciation Reception throughout the day. The structure of the event allowed attorneys to foster connections with colleagues statewide.



(L-R) Board Member Ted Niemann, Genevieve Miller, and Justice Debra Walker – Go ILLINI!

Overall, the 2025 Annual Meeting was a well-attended success! Whether attending to earn CLE credits, reconnect with peers, or influence the direction of the association, members left Lincolnshire with new tools, renewed energy, and a sense of shared purpose for the bar year to come. Cheers to the 2025-2026 bar year! ■



