

STATE OF ILLINOIS)
)
COUNTY OF WILL) SS

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS
ADMINISTRATIVE ORDER NO. 23-10

REMOTE VIDEO APPEARANCES

WHEREAS, the Supreme Court of Illinois modified Supreme Court Rule 45 requiring jurisdictions to establish protocols for the use of Remote Video Appearances;

WHEREAS, the inclusion of video remote appearance options for litigants provides increased access to justice;

WHEREAS, the Twelfth Judicial Circuit believes that establishing a protocol for remote video appearances provides notice to all parties, employees and court users of the methods in which this technology will be used in the Circuit;

THEREFORE, the following procedures have been established for the use of remote video appearances in the Twelfth Circuit:

Permitted Remote Appearances and Required Personal Appearances. Except as otherwise set forth in this Rule and the Protocols established by each division within the Twelfth Circuit, a person's opportunity to participate remotely in civil, juvenile, and criminal matters shall be as set forth in S. Ct. R. 45, 725 ILCS 5/106D-1, and 725 ILCS 5/109-1(f). Unless the Court has waived a person's appearance for a specific hearing or proceeding, a person not permitted by S. Ct. R. 45, 725 ILCS 5/106D-1, or 725 ILCS 5/109-1(f) to appear remotely must appear in person for the hearing or proceeding.

Exemptions. Pursuant to S. Ct. R. 45(b)(1),

Proceeding types exempted from remote proceedings by case category:

Criminal Felony and Criminal Misdemeanor

- a. Hearings on release from detention
- b. Recall of a warrant (unless represented by an attorney)
- c. Evidentiary hearings
- d. Plea of guilty
- e. Sentencing
- f. Jury or bench trial
- g. Hearing to revoke probation
- h. Hearings conducted under the Sexually Dangerous Persons Act
- i. All specialty court proceedings (unless waived by the Court)
- j. All contempt of court proceedings

Civil (all subcategories)

- a. Evidentiary hearings
- b. Settlement conferences
- c. Jury or bench trial
- d. All contempt of court proceedings

Family

- a. Evidentiary hearings
- b. Settlement conferences
- c. Bench trials
- d. Recall of a warrant (unless represented by an attorney)
- e. All contempt of court proceedings

Juvenile Delinquency

- a. Hearings on release from detention
- b. Recall of a warrant (unless represented by an attorney)
- c. Evidentiary hearings
- d. Plea of guilty
- e. Sentencing
- f. Jury or bench trial
- g. Hearing to revoke probation
- h. Hearings conducted under the Sexually Dangerous Persons Act
- i. All contempt of court proceedings

Juvenile Abuse & Neglect Hearing

- a. Evidentiary hearings
- b. Adjudication hearings
- c. Permanency hearings
- d. Disposition hearings
- e. Termination of Parental Rights
- f. All specialty court proceedings
- g. All contempt of court proceedings

Major Traffic, Minor Traffic, DUI, Ordinance Violations

- a. Hearings on release from detention
- b. Recall of a warrant (unless represented by an attorney)
- c. Evidentiary hearings
- d. Plea of guilty (unless waived by the Court)
- e. Sentencing (unless waived by the Court)
- f. Jury or bench trial
- g. Hearing to revoke probation
- h. All specialty court proceedings
- i. All contempt of court proceedings

In addition, all cases heard in branch court facilities (those locations other than the Will County Courthouse or the River Valley Justice Center) are exempted.

The Presiding Judge of each division of the Twelfth Judicial Circuit, in consultation with the judges in their division, may establish, by written protocol, procedures for remote hearings. This authorization includes the establishment of any additional processes, procedures, restrictions, or exemptions related to remote appearances for cases in their division. These protocols will be published on the Court's and Circuit Clerk's websites.

Persons may appear remotely in exempted case and proceeding types only with the Court's approval.

Procedures for Appearing Remotely. Persons permitted to appear remotely should be aware of the following:

- a. All courts within the Circuit use Zoom for remote hearings. All persons desiring to appear remotely must be able to access and use the Zoom platform with devices capable of receiving and transmitting data without interruption.
- b. Zoom links to judges' courtrooms can be found on the Court's Website www.willcountycourts.com and the Circuit Clerk's website www.circuitclerkofwillcounty.com.

Other information and assistance regarding remote appearances can be obtained from the websites identified above and from the Circuit Clerk at (815) 727-8592.

- c. **Procedures for Requesting Permission to Appear Remotely.** Unless otherwise allowed by (1) a divisional protocol or (2) a case-by-case exception made within the Court's discretion, a person seeking permission to appear remotely pursuant to S. Ct. R. 45(c) or (d) must seek that permission through a written motion filed, scheduled, and served as required by Local Rule 4.02.
- d. **Conduct of Remote Hearings and Required Decorum.** Unless otherwise ordered by the Court, remote hearings shall be conducted as follows:
 - (1) The Court will host the hearing and control entry into the hearing;
 - (2) If requested by a party and if technologically feasible, the Court may allow breakout meetings, private chats, or other private communication between attorneys and clients during the hearing; provided, however, that during the testimony of any person, that person may not communicate by private chat with any other person;
 - (3) The Court is responsible for the official record of the remote hearing, and no party may record any part of the hearing through the Zoom platform or any other means;
 - (4) Any person permitted to testify remotely must appear by both video and audio;

- (5) When a participant is not speaking, the participant shall mute her or his microphone;
 - (6) All participants must be in an environment free of video and/or audio distractions;
 - (7) No exhibit may be used during a remote hearing unless a copy of the pre-marked exhibit was provided to all other parties and the Court at least one full business day before the hearing;
 - (8) The Court shall be entitled to terminate or suspend the remote hearing for technological or other reasons at any time;
 - (9) Remote hearings shall be conducted to the same standards as hearings in a courtroom and in accordance with the Illinois Rules of Civil Procedure, Illinois Rules of Evidence, Illinois Supreme Court Rules, and the Local Rules;
 - (10) The precise method in which a remote hearing will be conducted remains within the discretion of the Court, within the bounds of applicable law, rules, practice procedures, and divisional protocols;
 - (11) All persons must use and display their real names (not aliases, "user," or "iPhone") on the Zoom platform to gain entrance to and participate in the hearing;
 - (12) If a party or a party's witness requires the use of an interpreter, that party shall be responsible for coordinating with the Court how the interpreter will be obtained and involved in the hearing;
 - (13) Participants should be appropriately dressed and conduct themselves as they would in a courtroom;
 - (14) Participants should ensure any background used is appropriate; and
 - (15) Participants should not sit directly in front of or behind a window or otherwise use lighting that interferes with the quality of the video.
- (F) Communication of this Administrative Order. To ensure persons desiring to appear remotely are informed regarding this Administrative Order, a link to this document shall be created on the Court's and Circuit Clerk's websites set forth above and copies of Administrative Order shall be posted in the Circuit Clerk's office and available in each courtroom.

This Order is effective immediately.

DATED THIS 12th DAY OF April, 2023.

A handwritten signature in black ink, consisting of a large, stylized capital 'D' followed by a long horizontal stroke that tapers to the right.

Daniel L. Kennedy, Chief Judge

Circuit Clerk (Original)
Judges
State's Attorney
Public Defender
Will County Bar Associations