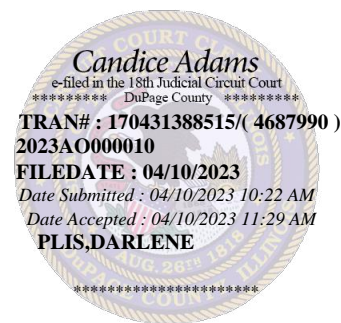


STATE OF ILLINOIS        )  
  )SS  
COUNTY OF DUPAGE        )



IN THE CIRCUIT COURT OF THE 18TH JUDICIAL CIRCUIT  
DUPAGE COUNTY, ILLINOIS

IN THE MATTER OF REMOTE COURT        )  
PROCEEDINGS IN COMPLIANCE WITH        )        Administrative Order 23-10  
ILLINOIS SUPREME COURT RULE 45        )

**WHEREAS**, Illinois Supreme Court Rule 45, effective January 1, 2023, governs remote appearances in civil and criminal proceedings; and

**WHEREAS**, technology exists in all courtrooms of the 18<sup>th</sup> Judicial Circuit, other than the four Traffic courtrooms, which allow for court participants to appear via Zoom; and,

**WHEREAS**, in compliance with Rule 45, this Administrative Order establishes the rules regarding remote proceedings.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that pursuant to Illinois Supreme Court Rule 45, the following shall apply to Remote Appearances;

**A. General Provisions**

1. The definitions in Supreme Court Rule 45 <https://www.illinoiscourts.gov/rules-law/supreme-court-rules> shall apply to this Order.
2. A judge presiding over a case in which the option to appear remotely without any advance approval is permitted may, in the exercise of the judge's discretion, require a case participant to attend a court proceeding in person for reasons particular to the specific case, including the failure of a case participant to follow applicable standards of decorum. When exercising such discretion, the judge shall inform case participants on the record if they are required to attend a future court proceeding in person.
3. Case participants may appear remotely in exempted case types or proceeding types only with the prior approval of the judge presiding over the matter.

4. When a case participant testifies or otherwise participates in a trial or evidentiary hearing remotely, appropriate safeguards must be in place to ensure accurate identification of the case participant and to protect against inappropriate influences, including, but not limited to, persons communicating with the case participant without the court's knowledge and the case participant's improper access to materials or information (such as documents or the Internet) during the case proceedings. The judge presiding over the matter shall confirm that such safeguards are available and operational before permitting the case participant to participate remotely.
5. All summonses and notices for court proceedings that case participants are permitted to attend remotely shall include information necessary for a case participant to appear in person or remotely, including any information necessary for case participants to access the applicable technology platform to appear remotely.
6. Where the option to appear remotely exists, the court shall not deny access to case participants who choose to participate by appearing in person or who cannot appear remotely without assistance. It shall allow individuals who come to the courthouse to participate by appearing physically in the courtroom.
7. Nothing in this Order supersedes or abrogates any existing rule or statute designed to allow for the remote testimony of a particular witness in an otherwise in-person trial so long as the statutory and constitutional requirements for that witness's remote testimony are satisfied.
8. Nothing in this Order modifies or alters crime victims' rights under Article I, section 8.1, of the Illinois Constitution (Ill. Const. 1970, art. I, § 8.1). The Illinois Constitution grants to victims the right to be present in the same manner as the defendant. If the defendant appears remotely, the victim shall be allowed to appear either in person or remotely.
9. Nothing in this Order modifies or alters any existing rules or statutes allowing remote appearances or requiring in-person appearances in Criminal Matters that involve the possibility of jail or prison time or Juvenile Delinquency Matters.
10. Waivers as outlined in section d(3) of Supreme Court Rule 45 <https://www.illinoiscourts.gov/rules-law/supreme-court-rules> shall apply to this Order.

## **B. Felony Division**

1. Case participants shall be permitted to attend court via Zoom without any advance approval for court dates set for status at 9:00 am Monday through Friday.

2. Case participants shall be permitted to attend the following proceeding types via Zoom only with the approval of the judge presiding over the matter. In addition, before the defendant may attend the following proceedings remotely, the court must have accepted the defendant's waiver of an in-person appearance in accordance with Supreme Court Rule 45 (d)(3) <https://www.illinoiscourts.gov/rules-law/supreme-court-rules>
  - a. Initial appearances
  - b. Arraignments
  - c. Negotiated pleas
  - d. Evidentiary and non-evidentiary hearings
  - e. Bench trials or stipulated bench trials
  - f. Sentencing hearings
  - g. Probation revocation hearings
  - h. Hearings conducted under the Sexually Dangerous Persons Act (725 ILCS 205/0.01 et seq.)
  - i. Motions to Quash Arrest or Modify Bond
  - j. Any case type or proceeding type that is exempt from remote participation.
3. Jury trials shall not be held remotely, except that witnesses, in case-specific situations, may be permitted to testify remotely with the approval of the judge presiding over the matter and by agreement of the parties.

### **C. Misdemeanor Division**

1. Case participants shall be permitted to attend court via Zoom without any advance approval for court dates set at 8:30 am or 9:00 am Monday through Friday.
2. Case participants shall be permitted to attend the following proceeding types via Zoom only with the approval of the judge presiding over the matter. In addition, before the defendant may attend the following proceedings remotely, the court must have accepted the defendant's waiver of an in-person appearance in accordance with Supreme Court Rule 45 (d)(3) <https://www.illinoiscourts.gov/rules-law/supreme-court-rules>
  - a. Initial Appearances
  - b. Arraignments
  - c. Negotiated pleas
  - d. Evidentiary and non-evidentiary hearings
  - e. Summary Suspension hearings
  - f. Petitions for Civil Orders of Protection, Civil No Contact Orders, and Stalking No Contact Orders
  - g. Bench trials or stipulated bench trials
  - h. Sentencing hearings
  - i. Probation revocation hearings
  - j. Motions to Quash Arrest or Modify Bond

- k. Any case type or proceeding type that is exempt from remote participation.
3. In Criminal Matters that involve a possibility of jail or prison time, jury trials shall not be held remotely, except that witnesses, in case-specific situations, may be permitted to testify remotely with the approval of the judge presiding over the matter and by agreement of the parties.

**D. Traffic Division**

1. Traffic Court cases, including all matters assigned to Courtrooms 1000, 1002, 1003, and Glendale Hts. Field Court shall not be heard remotely, except that language interpreters may be permitted to appear remotely with the approval of the judge presiding over the matter.

**E. Law Division**

1. Case participants shall be permitted to attend court via Zoom without any advance approval for all court dates set for status in all Law Division courtrooms.
2. Case participants shall be permitted to attend the following proceeding types via Zoom only with the approval of the judge presiding over the matter:
  - a. Summons returns
  - b. Prove-ups
  - c. Hearings on motions
  - d. Pre-trial conferences
  - e. Post-judgment proceedings
  - f. Returns on ancillary proceedings
  - g. Indigency petitions
  - h. Diligence dates
  - i. Contested hearings
  - j. Settlement conferences
  - k. Bench trials
  - l. Jury trials
  - m. Arbitration Hearings
  - n. Any case type or proceeding type that is exempt from remote participation.

**F. Chancery Division**

1. Case participants shall be permitted to attend court via Zoom without any advance approval for court dates set for status in all Chancery courtrooms.
2. Case participants shall be permitted to attend the following proceeding types via Zoom only with the approval of the judge presiding over the matter:
  - a. Summons returns

- b. Prove-ups
- c. Hearings on motions
- d. Evidentiary hearings
- e. Pre-trial conferences
- f. Post Judgement proceedings
- g. Returns on ancillary proceedings
- h. Compliance call
- i. Contested hearings
- j. Settlement conferences
- k. Bench trials
- l. Jury trials
- m. Any case type or proceeding type that is exempt from remote participation.

#### **G. Domestic Relations Division**

1. Case participants shall be permitted to attend court via Zoom without any advance approval for court dates set for status in all Domestic Relations courtrooms except for cases assigned to Courtroom 2002.
2. Case participants shall be permitted to attend the following proceeding types via Zoom only with the approval of the judge presiding over the matter:
  - a. Summons returns
  - b. Prove-ups
  - c. Motions other than the presentment date
  - d. Pre-trial conferences
  - e. Evidentiary hearings
  - f. Post judgment proceedings
  - g. Returns on ancillary proceedings including returns on rules to show cause
  - h. Diligence dates
  - i. Contested hearings
  - j. Settlement conferences
  - k. Bench trials
  - l. Orders of Protection
  - m. Any case type or proceeding type that is exempt from remote participation.

#### **H. Specialty and Juvenile Courts**

1. Case participants must have prior approval to appear via Zoom in all Juvenile and Specialty Court proceedings.
2. Case participants shall be permitted to attend the following proceeding types via Zoom only with the approval of the judge presiding over the matter. In addition, before the defendant or minor may attend the following proceedings

remotely, the court must have accepted the defendant's or minor's waiver of an in-person appearance in accordance with Supreme Court Rule 45 (d)(3) <https://www.illinoiscourts.gov/rules-law/supreme-court-rules>

- a. Negotiated pleas
  - b. Evidentiary and non-evidentiary hearings
  - c. Initial appearances
  - d. Arraignments
  - e. Adjudication hearings
  - f. Permanency hearings
  - g. Disposition hearings
  - h. Termination of parental rights hearings
  - i. Sentencing hearings
  - j. Probation revocation hearings
  - k. Arraignments
  - l. Bench trials or stipulated bench trials
  - m. Any case type or proceeding type that is exempt from remote participation
3. In Criminal Matters that involve a possibility of jail or prison time, jury trials shall not be held remotely, except that witnesses, in case-specific situations, may be permitted to testify remotely with the approval of the judge presiding over the matter and by agreement of the parties.

#### **I. How to Access Remote (Zoom) proceedings:**

1. Links to Zoom proceedings, other than juvenile court matters, can be found at [www.18thjudicial.org](http://www.18thjudicial.org)
2. Links to juvenile court matters will be provided by the judge or court staff.
3. It is recommended that court participants visit the Circuit Court Clerk's Website at [www.18thjudicial.org](http://www.18thjudicial.org) at least 10 minutes before their court date and select the icon for Remote Court Proceedings (Zoom). You may search the courtroom schedules by case number or courtroom location and date to access the remote proceeding for a court session. Links are available after 3:00 pm on the business day before the proceeding. The search result will display the public remote court session, date, and time for the courtroom. Select the "join now" link to join the remote proceeding. Read the alert that will display and affirm if you agree. Once you agree, a box will appear that requires you to type your name and select join. A box may pop up asking if you want to Open Zoom, or you may see a blue button that says "Launch Meeting" select the prompt for the proceeding to open. If the Court session has already begun, you will join the proceeding; otherwise, you will receive a notification that you should wait for the host to start the meeting or that you are in a waiting room.

4. Information
5. Further information can be found at [www.18thjudicial.org](http://www.18thjudicial.org) or [www.DuPageCourts.gov](http://www.DuPageCourts.gov) or by visiting the DuPage County Law Library on the courthouse's second floor.

**J. How to ask the court to change your in-person proceeding to a remote proceeding where applicable.**

1. Parties who wish to appear remotely for a future court appearance where the proceeding is otherwise scheduled to be in person shall make such request to the Court in writing or in person. Requests to change your in-person proceeding to a remote proceeding must be made in the form of a written motion and filed as soon as the need arises but no later than five days before the scheduled court date with prior notice to all parties. The other party or attorney may make a written objection to the Court of said request. Delays in filing may result in the court being unable to consider the motion.
2. It is within the discretion of the Court whether to grant any request where an in-person appearance is otherwise required.
3. Verbal motions for future court appearances may be considered at the judge's discretion when presented in person in open court.
4. In its discretion, the Court may convert an in-person proceeding to a remote proceeding for the health, safety, or welfare of the parties or attorneys, or the efficiency of the Court. The decision of the Court to switch to a remote proceeding is not determinative for future court hearings.

**K. Standards of Decorum**

1. Case participants attending court remotely must act the same way they would if they were appearing in person in the courtroom. All the same rules regarding demeanor, language, dress, civility, and respect apply to all remote court dates and all case participants, including court staff, lawyers, litigants, and witnesses. To maintain proper decorum, participants shall do the following:
  - a. Use your best efforts to find a quiet place without distractions. Remove unsuitable filters or backgrounds; turn off or silence all electronic devices, including TVs, music, and video games. Close doors and minimize any disruptions.
  - b. Make sure there is a stable internet connection, a fully charged device, and functioning video and audio. Ask others in your house or office to avoid significant data use (game or video streaming) while attending court via Zoom.

- c. All participants should dress appropriately as if attending court in person.
- d. Eating, drinking, smoking, or chewing gum is not allowed without the court's permission, and the use of tobacco or vaping products is prohibited.
- e. Use language appropriate for a courtroom.
- f. Participants must always keep their video on and sound on mute unless otherwise directed by the judge.
- g. Remain on mute until you are called upon to speak. Do not speak over anyone, and do not interrupt anyone.
- h. When your case is called, unmute your microphone, and state and spell your first and last name for the record.
- i. Attorneys should identify whom they represent and identify themselves on the screen by adding "attorney" before their name.
- j. Be aware that a court reporter or language interpreter may interrupt from time to time to clarify who is speaking.
- k. The Zoom proceeding is recorded and used solely by the Court Reporter's Office to create the official court record. Therefore, any video recording, audio recording, photographing, taking screenshots, and/or making a live stream is strictly prohibited.
- l. The recording, publishing, broadcasting, or other copying or transmission of courtroom proceedings by video, audio, still photography, or any other means is strictly prohibited by Illinois Supreme Court Rule 68(A)(8). It is subject to penalties for contempt of court unless otherwise authorized by the Chief Judge or allowed under the Court's Extended Media Policy.
- m. Attending court via Zoom while operating a motor vehicle is prohibited.
- n. Failure to follow the Court's rules may result in removal from the proceeding and/or a finding of contempt of court.
- o. Remote proceedings using Zoom are for Court Participants ONLY. Members of the public who wish to observe court may attend court proceedings in person.
- p. The judge presiding over the court proceedings may add or omit any instructions listed in this rule at their discretion at any time.

#### **L. Information on Remote Proceedings**

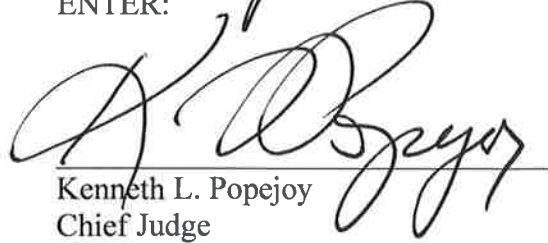
1. The information provided in this Order and any amendments shall be made available to the public, case participants, and other justice system partners via the Court's website at [www.DuPageCourts.gov](http://www.DuPageCourts.gov), the 18th Judicial Circuit Court Clerk's website at [www.18thjudicial.org](http://www.18thjudicial.org), through posting in public areas of the courthouse such as the Law Library, the Circuit Court Clerk's Office and the Office of the Chief Judge.



This Order is effective immediately.

ENTER:

*April 7, 2023*

A handwritten signature in black ink, appearing to read "K. Popejoy", written over a horizontal line.

Kenneth L. Popejoy  
Chief Judge