

## LOCAL RULE 2.10 – Remote Court Appearances

- A. Except as otherwise set forth in Section C of this Rule, the ability to participate remotely in civil, family, juvenile, and criminal matters in Winnebago County and Boone County shall be as set forth in S. Ct. R. 45, 725 ILCS 5/106D-1, and 725 ILCS 5/109-1(f).
- B. Procedures for requesting permission to appear remotely
  1. Generally, most court appearances can be made remotely without any advance request or court approval. Section C of this Rule provides detail about which proceedings require advanced approval by the judge to appear remotely. The judge shall indicate to the parties whether the next court appearance may be made remotely or if the appearance shall be made in-person. There are a number of reasons why a judge may require a court participant to appear in-person.
  2. Court participants who wish to appear remotely for a future court appearance shall make such a request to the Court by:
    - a. Presenting the request orally in open court when setting the next court date, or
    - b. By filing a written motion at least three business days in advance with notice to all parties, and if it is an attorney who wishes to appear remotely, notice must also be provided to his or her client.
- C. Proceedings where advanced permission is needed to appear remotely
  1. Case participants shall plan to attend in-person, unless he or she makes an advanced request to participate remotely and it is approved, pursuant to Paragraph B, for the proceedings listed below:
    - a. Settlement conferences;
    - b. Hearings setting or modify conditions of pretrial release;
    - c. Detention hearings under the Pretrial Fairness Act;
    - d. Entry of a guilty plea or negotiated pleas;
    - e. Sentencing;
    - f. Recall of a warrant;
    - g. Contempt of court proceedings;
    - h. Specialty Court or Problem-Solving Court proceedings;
    - i. Permanency hearings; and
    - j. All evidentiary hearings, where a witness or party will be testifying to the Court, including but not limited to bench trials, jury trials, arbitration hearings, probation revocation hearings, adjudication hearings, disposition hearings, termination of parental rights hearings, and any hearing conducted under the Sexually Dangerous Persons Act, with the following exceptions:
      - A. *Ex parte* evidentiary proceedings (such as emergency orders of protection), and
      - B. Plenary orders of protection hearings, and

### C. Mental health proceedings.

2. In its discretion, the Court may order a participant to attend in-person for a court appearance that may not ordinarily require a judge's approval to attend remotely for reasons particular to the specific case, including the failure of a case participant to follow applicable standards of decorum. The Court may also convert an in-person proceeding to a remote proceeding for the health, safety or welfare of the parties or attorneys, or efficiency of the Court. The decision of the Court to switch to a remote proceeding or an in-person proceeding is not determinative for future court hearings.

### D. How to join a court proceeding remotely

1. All courtrooms in Winnebago County and Boone County are equipped to facilitate remote hearings via Zoom.
2. To make a remote appearance, a court participant may:
  - a. Go to Zoom.us (the Chrome browser works best), Select "Join Meeting" in the upper-right-hand corner, and enter the Meeting ID, which is a series of numbers, provided by the court.
  - b. If the participant cannot log on with a computer or smart phone, the participant may dial (312) 626-6799 and enter the Meeting ID, followed by # when prompted. The participant will need to listen for instructions on how to UNMUTE, which is usually \*6.
3. All summonses, notices and court orders setting court dates where participants have the option to appear remotely shall include the following:
  - a. In Boone County, either the Zoom Meeting ID or information where to find the Zoom Meeting ID, and the courthouse address and courtroom number. The Meeting IDs are published on the Boone County Circuit Clerk's Office webpage. The Circuit Clerk's Office may also be called at 815-544-0371.
  - b. In Winnebago County, the Zoom Meeting ID, the courthouse address and courtroom number, and, when possible, the Zoom call-in phone number. The Zoom Meeting ID is available from the Winnebago County Circuit Clerk.

### E. Case participant preparation and expectations

1. Equipment and Connectivity
  - a. Participants must have enough battery power, have a charger readily available, and have enough data and/or Wi-Fi for the entire court

session. Participants should keep the phone dial-in information close by in case unforeseen technical difficulties are experienced.

- b. Participants should practice Zoom meeting functions, and be familiar with their internet, video, and audio capabilities prior to the hearing. Testing of equipment can be completed at: <https://zoom.us/test>

## 2. Connecting to the Courtroom

- a. Participants should be in a quiet area with minimal background noise.
- b. Participants may wait for their case to be called in a virtual waiting room. There may be several cases set on the docket at that time. When cases are called, the Court will bring participants into the courtroom.
- c. When entering the courtroom, participants' video will automatically be on and audio will be muted.
- d. Participants should use best efforts to make sure they are properly named on screen. A participant's screen name should reflect the title and legal name of the participant. Attorneys should include office name office if it will help with identification.

## 3. Dress and Conduct

- a. Participants must dress appropriately for court.
- b. Participants who appear in a remote proceeding must conduct themselves in the same manner and in accordance with the same standards as the Illinois Code of Civil Procedure, Illinois Supreme Court Rules, and 17th Judicial Circuit Court Rules. The same decorum regarding dress, conduct, demeanor, language, and respect for the Court and staff apply as if participants were physically present in the courtroom.
- c. Attorneys are expected to appear by both audio and video.
- d. Participants should remain muted until addressing the court and unmute the microphone before speaking.
- e. Participants should speak one at a time, and pause prior to speaking in case there is any audio or video lag. Participants should announce their name before speaking.

## 4. Witnesses

- a. The party calling a witness has the responsibility for ensuring their witness(es) has the information necessary to appear remotely.
- b. Witnesses should plan to appear by both audio and video. As witnesses are called to appear, the Court will bring them in one at a time from the waiting room.
- c. Witnesses are only permitted in the remote court session while they are testifying. Those testifying are not to hold notes or paperwork while testifying, just as though s/he were on the witness stand.



- d. Once a witness is done testifying, the witness will leave the remote court session and should not talk to anyone about his or her testimony until after the conclusion of the hearing.

## 5. Exhibits and Orders

- a. Exhibits, papers or anything the judge would need to review at a hearing must be exchanged between the parties and shared with the Court no later than 4:30 p.m. three (3) business days in advance of the court proceeding.
  - i. Exhibits must be properly labeled. See General Order 4.08.
  - ii. Parties must be prepared to “Share Screen” each exhibit for presentment at the hearing.
  - iii. Examples of exhibits to be provided to the judge in advance of the hearing include documents, photos, print-outs of social media posts and print-outs of text messages. When possible, copies of text messages or emails should include the electronic timestamps showing the date and time of each message as well as the contact information of the sender (ie. phone number or email address).
  - iv. Non-documentary electronic video evidence or physical media (such as video or audio recordings on thumb drives, DVDs, external hard drives) shall not be submitted to the court without advanced approval. Should a party wish to present non-documentary electronic video evidence or physical media, the Court may:
    - A. Reschedule a hearing date to the in-person presentation of such exhibits; or
    - B. Approve such a request directing how the evidence will be presented subject to the following standard conditions:
      - 1. The parties shall submit their electronic video evidence or physical evidence to the Circuit Clerk’s Office 48 hours prior to the remote proceeding.
      - 2. The parties shall include a self-addressed stamped envelope for the return of such evidence in the event that the evidence is not presented at hearing.
- b. Proposed Orders resulting from remote proceedings shall comply with General Order 9.14 and Local Rule 8, and shall be submitted with the following details:
  - i. Orders submitted as a result from a previously held remote proceeding shall include the filing description of “[Hearing Date] Order Resulting from Court.” The order shall also state the date of the hearing the orders results from.
  - ii. Agreed Orders shall include the filing description of “Agreed Order’.

- c. Proposed Orders shall be submitted or delivered through eFileIL, as separate documents in the same e-filing envelope, unless e-filing is not available for the case type.
  - i. Those in Winnebago County will receive notice that the filing is rejected, but forwarded to the judge.
  - ii. Filers in Boone County will receive a note that they are received but not file stamped.
  - iii. The court may request additional courtesy copies to be submitted via email or hand-delivery on a case by case basis.
- d. In the event e-filing is not available for the case type, papers shall be delivered to the Court Administration Office or by any other means ordered by the presiding judge.
- e. The Circuit Clerk's Offices have e-filing kiosks available to e-file documents. In the event there is an e-filing Waiver on file, the Circuit Clerk's Office shall accept the document(s) and submit on the filer's behalf.

#### 6. Recording the Hearing

There are prohibitions against photographing, recording, and rebroadcasting of court proceedings (See General Order 1.09) and violation of these prohibitions constitutes contempt of court. Recording the proceeding is not allowed by anyone except the Official Court Reporter or the approved recording system. A transcript of the proceedings may be requested by completing and submitting a Transcript Request Form.

#### 7. Interpreters

Interpreters shall be requested pursuant to Local Rule 2.16. The Interpreter Request Form is available on the 17<sup>th</sup> Circuit's website. The court hearing Meeting ID should be included in the request.

#### F. Public Access to Proceedings

- 1. Proceedings that are publicly accessible will continue to be publicly accessible; however, spectators should not use remote appearances by Zoom as outlined in this rule. Judges will make reasonable efforts to allow public viewing of public court proceeding through any of the below means:
  - a. Proceedings may be publicly accessible by attending the physical courtroom, or
  - b. Proceedings may be publicly accessible through a livestream accessible from the 17<sup>th</sup> Circuit's website.
- 2. Should a physical courtroom be inaccessible, public proceedings will be live streamed online or in exceptional circumstances when live streaming cannot be facilitated the judge may permit spectators/observers to appear remotely.

G. How to Get Help Appearing Remotely

Assistance is available at <https://ilcourts.info/AllRemoteCourtResources> for remote court resources, including written instructions and short videos on how to Zoom from a computer and mobile device.

The 17<sup>th</sup> Circuit's website contains information helpful to those appearing remotely. The Circuit Clerk's Office and the Legal Self Help Center may also be contacted for additional information. The Legal Self Help Centers have limited computer technology to help individuals with remote appearances.

Boone County Circuit Clerk's Office phone - 815-544-0371

Winnebago County Circuit Clerk Office phone - 815-319-4300

H. Communication / Publication

To ensure persons desiring to appear remotely are informed, this Rule shall be maintained on the 17<sup>th</sup> Circuit's website and shall be posted in each Circuit Clerk's Office.

This Rule and any amendments will be shared with justice partners, law enforcement agencies, government stakeholders, community organizations, bar associations and the Administrative Office of the Illinois Courts.