

ADMINISTRATIVE ORDER NO. 2023-8
22nd Judicial Circuit
McHenry County, Illinois
(Remote Appearances under Rule 45)



WHEREAS, the Courts of the State of Illinois provide a vital function for the well-being of those in the State, in addressing requests for and otherwise providing certain relief under the law for those in the State;

WHEREAS, the Court which handles requests for relief under the law in this Twenty-Second Judicial Circuit of the State, handles cases arising in or otherwise involving people and property in the County of McHenry, and operates in the Michael J. Sullivan Judicial Center (2200 North Seminary Avenue, Woodstock, Illinois 60098) which is generally open for such requests Monday through Friday from 8:00 a.m. through 4:30 p.m.;

WHEREAS, in consideration of experiences during the recent pandemic, certain advances in the use of technology, a continuing desire to provide greater access to justice, and various allowances and directives provided by and through the Supreme Court of Illinois, remote appearances in proceedings at the Judicial Center have become an important part of the operations of this Circuit; and

WHEREAS, the Supreme Court of Illinois has implemented its Rule 45 to more fully provide for remote appearances in proceedings in the Circuit Courts of the State, and has allowed the Chief Judge of each Circuit by local rule to further address the use of remote appearances in the proceedings of each Circuit by March 31, 2023; and

WHEREAS, the Chief Judge of this Circuit has worked with the Judges of the Circuit, the Local Rules and Forms Committee of the Circuit, and others to arrive at a local rule which further addresses the use of remote appearances in the proceedings of this Circuit;

NOW, THEREFORE, IT IS ORDERED that the attached Local Rule is adopted as "Part 22.00 (Remote Appearances in Circuit Court Proceedings)" to be placed and published among the Local Rules of this Circuit, with a copy of this Administrative Order and the attached Local Rule to be provided to the Supreme Court of Illinois and otherwise disseminated and published.

DATED: March 31, 2023

Michael J. Chmiel
MICHAEL J. CHMIEL
Chief Judge

PART 22.00 REMOTE APPEARANCES IN CIRCUIT COURT PROCEEDINGS

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21.01 PURPOSE

The purpose of this Local Rule is to provide information to the public about attending court by phone or video. The definitions in [Supreme Court Rule 45](#) apply to this Local Rule.

22.02 AUTHORITY

The Illinois Supreme Court amended Rule 45, effective January 1, 2023. The new supreme court rule requires each circuit to have its own rule explaining in plain language the option of participating in court proceedings remotely.

22.03 HOW TO APPEAR REMOTELY

You may have the option to attend your court date remotely. This is called a remote court appearance. Information about how to appear remotely can be found at the website of the Clerk of the Circuit Court, through which the following link is currently posted:

<https://www.mchenrycountyil.gov/county-government/departments-and-services/circuit-clerk/virtual-courtroom-information>

The Court uses Zoom Video Communications, Inc. ("Zoom"), for reasons suggested by the Illinois Supreme Court. The information at the Clerk's website includes how to use Zoom and how to access different courtrooms. Other platforms may be used through an Order of the Court.

22.04 NOTICES MUST INCLUDE INFORMATION ABOUT REMOTE APPEARANCES

All summonses and notices for court proceedings in which participants are permitted to attend remotely shall include information necessary for a case participant to appear in person or remotely. At a minimum, this shall include the courtroom number, the courthouse address, the Zoom link or Meeting ID, or instructions to obtain this information.

22.05 WHEN REMOTE PROCEEDINGS ARE ALLOWED

- A. The type of case and proceeding typically determines if a party or attorney can appear remotely. It is not possible to appear remotely for every kind of case or court date. This local rule will address when remote appearances are generally allowed and not allowed.
- B. In specific cases or for specific court dates, the judge may order in-person attendance and prohibit further remote appearances. The reasons for this vary and may include the failure of a case participant to follow applicable standards of decorum. When that happens, the judge shall inform case participants on the

record if they are required to attend a future court proceeding in person.

- C. All court participants should review the individual judge's standing orders for further information and direction about remote court appearances.

22.06 REMOTE PROCEEDINGS IN CRIMINAL CASES

- A. For purposes of this rule, "Criminal Cases" shall mean the following types of cases: Criminal Felony (CF), Criminal Misdemeanor (CM), Conservation (CV), Driving Under the Influence (DT), Domestic Violence (DV), Major Traffic (MT), Ordinance (OV), Quasi-Criminal (QC), Minor Traffic (TR), and Contempt of Court (Criminal) (CC)
- B. Remote appearances are allowed without further notice or motion in certain proceedings. In other proceedings, remote appearances are allowed if the Court first gives permission. The possibility of a remote appearance often depends upon whether the matter involves the possibility of jail or prison time and the type of proceeding. [Supreme Court Rule 45](#) shall control and will be followed for all criminal and quasi-criminal matters.

22.07 REMOTE PROCEEDINGS IN CIVIL CASES

- A. Civil cases include the following cases: Probate (PR); Guardianship (GR); Small Claims (SC); Evictions (EV); Tax (TX); Foreclosures (FC); Eminent Domain (ED); Arbitration (AR); Law (LA); Law Magistrate (LM); Government Corporations (GC); Miscellaneous Remedy (MR); Chancery (CH); Mental Health (MH).
- B. Due to the wide variety of civil cases, all parties should first refer to the Standing Order of the judge presiding over the case, which is available on the 22nd Judicial Circuit website, to determine the judge's policy regarding remote appearances. Any provisions in the Standing Order take precedence over the provisions of Subsection C, below.
- C. Remote appearances are not automatically allowed for the following court dates:
 - 1. Hearings where evidence will be presented,
 - 2. Settlement conferences,
 - 3. Bench trials, and
 - 4. Jury trials.

If you want to appear remotely for one of these proceedings, you must first obtain an order from the judge presiding over the case allowing a remote appearance.

22.08 REMOTE PROCEEDINGS IN FAMILY CASES

- A. Family cases include the following kinds of cases: Adoption (AD), Dissolution with Children (DC), Dissolution without Children (DN), and Family (FA).
- B. Remote appearances are allowed without further notice or motion on all court dates for family cases except for proceedings listed in Section C, below.
- C. Remote appearances are not automatically allowed in the following kind of proceedings:
 - 1. Evidentiary hearings,
 - 2. Non-evidentiary hearings,
 - 3. Pre-trial settlement conferences,
 - 4. Bench trials, and
 - 5. Presentment of any emergency or *ex-parte* motion, other than orders of protection, stalking no contact orders, and civil no contact orders.

If you want to appear remotely for one of these proceedings, you must first obtain an order from the judge presiding over the case allowing a remote appearance.

22.09 REMOTE PROCEEDINGS IN JUVENILE CASES

- A. Juvenile Cases include the following kinds of cases: Juvenile Delinquent (JD), Juvenile Abuse and Neglect (JA), and Juvenile (JV).
- B. Due to the confidential nature of Juvenile Court proceedings, only the respondent(s) may appear remotely and only according to the terms of this rule. All other participants and interested parties must appear in person.
- C. In Juvenile Delinquency matters, respondents must appear in person at all proceedings, unless waived in advance by the Court or Court Services Personnel.
- D. In Juvenile Abuse, Neglect and Dependency Matters, respondents are allowed to appear remotely on all court dates except for the following proceedings:
 - 1. Initial court appearance,
 - 2. Evidentiary hearings,
 - 3. Adjudication hearings,
 - 4. Permanency hearings,
 - 5. Disposition hearings, and
 - 6. Termination of parental rights hearings.

If you want to appear remotely for one of these proceedings, you must first obtain an order from the judge presiding over the case allowing a remote appearance.

22.10 REMOTE PROCEEDINGS IN ORDER OF PROTECTION CASES

- A. Order of Protection cases include cases involving orders of protection, stalking no contact orders, and civil no contact orders.
- B. Remote appearances are automatically allowed in these cases. Parties and witnesses may appear remotely without further notice or motion for hearings for orders of protection, stalking no contact orders and civil no contact orders. This allowance is pursuant to Rule 45 as well as Administrative Order 2020-17 and Ill. Public Act 102-0853.

22.11 REMOTE PROCEEDINGS IN PROBLEM-SOLVING COURT CASES

- A. Problem Solving Court cases include the following kind of cases: Any cases assigned to the circuit's Drug Court, Mental Health Court or DUI Court.
- B. Remote appearances are not automatically allowed in these cases.

Requiring in-person court appearances are beneficial in these cases for several reasons, including the court's ability to immediately respond to a defendant/participant in crisis requiring treatment or hospitalization, the Court's ability to have a defendant/participant immediately submit to a drug/alcohol screen if he/she appears to be under the influence of an intoxicant, and the overall support and socialization that defendants/participants provide to each other that can only be experienced in person.

If you want to appear remotely for one of these proceedings, you must first obtain an order from the judge presiding over the case allowing a remote appearance.

22.12 STANDARDS OF DECORUM

- A. A remote court appearance is still a court appearance, and you must act the same way you would if you 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 to all case participants, including the judge presiding over the case, clerks, court staff, attorneys, litigants, and witnesses.

- B. The judge presiding in each courtroom will exercise judgment in fashioning a response to any inappropriate behavior. The Court may consider simply reminding participants to conform their conduct to expectations, discontinue the remote appearance, and/or require participants to appear in person for future court appearances. Depending on the circumstances, findings of contempt and related rulings may be appropriate.
- C. The Court has developed additional standards for decorum during remote appearances. These standards reflect input from judges, clerks, court staff, and attorneys.

When appearing remotely, please comport with the following standards.

1. Courtroom Attire. Everyone participating in the remote courtroom appearance should dress as if appearing in the physical courtroom.
2. Camera Should Be On. Each Zoom participant should activate their camera when their case is being heard. The camera should be positioned so that the participant remains in the camera's view and the frame remains steady throughout the appearance. The Zoom participant should look into the camera when speaking.
3. Identification. Use your full name. Participants should provide the case number and/or line number for the case.
4. Prepare. Prepare before the remote appearance to be sure it is understood how to connect to the remote courtroom.
5. Practice. Practice how to connect to audio.
6. Documents Ready. Counsel and/or parties should have relevant documentation prepared and ready to present when their case is called. Consider ahead of time how the documents will be presented to the Court or other participants.
7. Communication. Discussion about the case and future availability should occur prior to the appearance.
8. Sound Carries. Please do not converse with others during the court appearance who are either on or off camera. Provide your attention to the Court. Remain muted until your matter is called.
9. Inappropriate "venue." Driving while streaming a court appearance likely constitutes a violation of the law and should not occur.
10. Avoid Overly Casual. This is a formal proceeding, and you must conduct

yourself accordingly. If you could not or would not act a certain way in a courtroom, do not act that way during a remote appearance. There should be no eating, drinking, smoking, etc.

11. Avoid untimely/uncoordinated appearance. Please be on time and coordinate with others on the same side for the remote proceeding.

22.13 RECORDING IS PROHIBITED

You may not record or take any pictures or screen shots, or otherwise capture an image or recording of a remote court date without the court's permission.

22.14 EFFECTIVE DATE

These rules shall become effective on April 1, 2023, and remain in effect until further Order of the Court.

PLEASE NOTE: That which is underlined in the posted (online) version of this rule contains hyperlinks to the online provisions noted upon the adoption of this rule.