

SIXTEENTH JUDICIAL CIRCUIT
ADMINISTRATIVE ORDER – JUVENILE DIVISION
Effective May 4, 2020

IN THE MATTER OF COVID-19)
TEMPORARY PROCEDURES FOR)
JUVENILE DIVISION MATTERS)

WHEREAS in light of the Coronavirus pandemic, and in order to protect the health and safety of the general public, circuit court judges and circuit court employees, and after consultation with the offices of the Kane County State’s Attorney, Public Defender, Sheriff, Circuit Clerk, County Board, and representatives of the private bar, and pursuant to Illinois Supreme Court Rule 21(b) and the Court’s inherent authority, and

WHEREAS it is in the best interest of all of the above named parties and individual to limit the number of people in the individual Juvenile Courtrooms to as few as needed to accomplish the critical tasks of each courtroom,

IT IS HEREBY ORDERED that the following temporary procedures will apply to all cases assigned to the Juvenile Division:

A) AGREED ORDERS AND UNCONTESTED MATTERS

- 1) Agreed orders are encouraged whenever possible and, therefore, the Juvenile Division judges requests that all attorneys continue to communicate regarding their cases prior to scheduled court dates and to submit proposed agreed orders whenever possible. When agreed orders are reached the orders should clearly be marked as agreed by all parties. Additionally, judges may, at their discretion, rule on uncontested motions in pending matters, including, but not limited to the following:
 - a) Continuances;
 - b) Entry of Protective Orders (HIPAA) and otherwise;
 - c) Interim orders and judgments in adoption matters;
 - d) Orders for discovery and/or briefing schedules;
 - e) Orders appointing the Public Defender’s Office;
 - f) Orders for Social History Investigation;
 - g) Orders for Kane County Diagnostic Center Evaluations

James J. Smith
Clerk of the Circuit Court
Kane County, IL
MAY 1 2020
FILED 081
ENTERED

Requests for entry of an agreed order, or ruling on uncontested matters, made prior to scheduled court dates shall be emailed to the juvenile judge presiding over the case and if the matter has not yet been assigned to a juvenile judge then by email to: juveniledivision@16thcircuit.illinoiscourts.gov . PLEASE DO NOT COPY YOUR CLIENTS(S) ON EMAILS SENT TO OR RECEIVED FROM THE COURT.

- 2) The request for entry of an agreed order or ruling on an uncontested matter should be clearly marked as “agreed” or “uncontested.” The email sent to the judge should

clearly indicate that all counsel have discussed the matter and are agreeing to the entry of the proposed order or ruling on an uncontested matter. No agreed order shall set any matter for hearing or trial without prior consultation, via email, telephonic conference or through use of the Zoom platform, with the judge presiding over the case and with his or her approval. Language for proposed orders shall be circulated to all attorneys of record prior to submission to the court.

- 3) Within two court days of receipt of the email the judge assigned to the matter shall review the request. If the assigned judge agrees to rule on the uncontested matter and/or approves the proposed order the judge will contact the parties and request that an order be sent to the judge's queue for electronic signature. By submitting an order to the court for signature the submitting party is representing that all parties have approved the submission. Once the judge is advised that the order is in the queue it will be signed. The Clerk will then email the signed order to the parties. Attorneys must provide email addresses to the Clerk for this purpose.
- 4) Even where an order is agreed, or a request for ruling is uncontested, the Court reserves the right to require additional information, to require a hearing, or to modify or deny the proposed order/request..
- 5) In the event the judge does not approve the order/request, the judge will notify the parties by email. Attorneys must provide email addresses for this purpose.

B) PROTOCOL FOR REMOTE ADOPTION CASES

The following temporary accommodations will be available to counsel and litigants for matters related to uncontested Adoption Petitions. Judges will be available to review and consider entering interim orders on adoption matters either with or without video conferencing as well as Adoption Judgments via video conference under the following parameters:

1) Parties should email their proposed interim orders or Adoption Judgments, to the court's attention at juveniledivision@16thCircuit.IllinoisCourts.gov for a Judge's review. PLEASE DO NOT COPY YOUR CLIENTS(S) ON EMAILS SENT TO OR RECEIVED FROM THE COURT.

2) Proposed interim orders will be entered in the discretion of the Court. In the proposed order please include a separate paragraph directing the Clerk to email a copy of the order, if entered, to the attorney of record. Parties must provide email addresses to the Clerk for this purpose. If the order is entered it will be the submitting attorney's responsibility to send copies of the orders to any agency required to conduct a home study or an attorney appointed as a guardian ad litem.

3) Proposed final Judgments for Adoption will be review for determination that all statutory requirements have been met (including but not limited to: home study, GAL report, time frames). Please do not submit request for entry of final judgments until all requirements have been met and are of record. After review a Judge will correspond with the attorney sending the email. If the matter will proceed to Judgment a mutually agreeable date and time

will be set and the matter will proceed remotely via a Zoom video hearing. The attorney of record, necessary parties, and the child(ren) must appear for the Zoom hearing and must have both video and audio capabilities when participating in the hearing. Invited guests may also participate. Attorneys are required to advise all involved that this is a court proceeding and therefore while photographs will be permitted, audio and video recording is not permitted.

4) Please make sure all mandatory findings are included in the proposed Judgment.

5) In addition to the proposed Judgment prior to proceeding to a hearing the petitioner's attorney shall prepare and the petitioner sign an Adoption Judgment Affidavit verified pursuant to 735 ILCS 5/1-109 indicating:

a. their agreement that the Court has both personal and subject matter jurisdiction;

b. their understanding that the Court will be conducting the proceeding remotely via a video conference on the Zoom platform;

c. their understanding that they are not required to proceed remotely and can choose to wait until Courts are fully open to appear in Court in person;

d. their decision to proceed remotely has been made freely and voluntarily;

e. they waive any rights or objections to proceeding remotely;

f. the representations set forth in the Judgment for Adoption are true and correct and it is the petitioner's request that the Court approve the adoption and enter the Adoption Judgment.

g. all parties entitled to notice of the entry of Judgment and the proceedings have been afforded notice, have been provided with information on how to access the remote proceedings, or have waived notice.

C) PROTOCOL FOR REMOTE HEARINGS IN JUVENILE CASES

1) At the discretion of the assigned judge and considering such factors as the need for parties to appear, the evidentiary or non-evidentiary nature of the proceeding or the need to involve a court reporter, contested juvenile court matters, including but not limited to: status hearings, pre-trial conferences, adjudicatory hearings, dispositional hearings, permanency hearings, detention re-hearings, violation of probation hearings and 402 conferences, may be undertaken by way of remote hearings either telephonically or via the Zoom platform.

2) The remote hearing may be initiated by the judge assigned to the case or by the attorneys. In all cases attorneys shall provide an email address and telephone number to the Circuit Clerk's Office to provide a means of communication and receipt of remote hearing instructions. If the judge initiates the remote hearing they shall so inform the attorneys and further host the proceedings. If the attorneys seek to initiate

a remote hearing, then they must email the judge assigned to the case or if no judge has yet been assigned to the case then to: juveniledivision@16thcircuit.illinoiscourts.gov , file with the Clerk and send to all counsel a “Motion for Leave to Schedule a Remote Hearing” (Motion) (attached as Ex. 1). If the Motion is a joint motion it shall be so titled. The emailing of the Motion is the only trigger which brings the request to the court’s attention.

- 3) Even where a Motion is brought before the court, the court reserves the right to require additional information or to deny the Motion.
- 4) In the event the judge grants the Motion the judge will email the parties to schedule a remote hearing date and time. In the event the judge denies the Motion the judge will notify the parties by email. Attorneys must provide email addresses for this purpose.
- 5) Eligibility for a contested remote hearing (remote hearing) is limited to cases wherein all parties are represented by attorneys, have access to the Zoom platform or telephonic conferencing, and in which the parties consent to the remote hearing. However, if all parties do not consent to the remote hearing then the court may, in the exercise of its discretion and after affording the objecting party the opportunity to show why they would be prejudiced by a remote hearing, order the matter to proceed via a remote hearing or in a hybrid manner. These limits will be frequently reviewed and modified, when possible, in an ongoing effort to expand access to justice.
- 6) Except as otherwise provided for in this order, hearings conducted pursuant to this order shall be conducted to the same standards as hearings in a courtroom and in accordance with the Illinois Rules of Procedure, either Civil or Criminal, depending on the matter being heard, the Illinois Rules of Evidence, Illinois Supreme Court Rules and the Rules of Practice of the Circuit Court, Sixteenth Judicial Circuit.
- 7) The precise method in which a remote hearing will be conducted remains within the discretion of the judge assigned to the individual case, within the bounds of applicable law, rules, and practice procedures.
- 8) Once a matter is set for a remote hearing said remote proceeding requires proper preparation and planning. Steps required to be taken prior to any contested remote hearing are as follows:
 - a) Three court days prior to a hearing, the parties shall file a list containing the names and email addresses of the attorneys, parties and witnesses (if any) who will attend the hearing or may be called as a witness. All persons must use their real names (not aliases) while online to ensure they will not be prevented from entering the hearing.
 - b) Three court days prior to a hearing the parties shall exchange exhibits they intend to introduce into evidence and thereafter conduct a conference to identify any exhibit(s) they stipulate can be admitted into evidence. If a party fails to comply with this provision, the court in its discretion may deny the introduction of that party’s exhibit.
 - c) At least two court days before the hearing parties shall prepare and email to the circuit clerk at juvclerk1@co.kane.il.us proposed exhibits (and if appropriate, an electronic bundle of authorities) as follows:

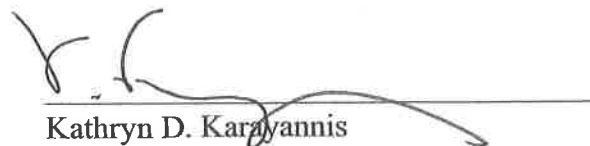
- i. A searchable PDF format (and a color PDF, if necessary) shall be used;
 - ii. Each exhibit shall be a separate file. Each file name shall reflect the party offering it and the exhibit number e.g. State's Ex 1, State's Ex.2, Mother's Ex.1, Mother's Ex. 2, Minor's Ex 1,, etc.;
 - iii. An index of all exhibits shall be included that states the number of pages in each exhibit;
 - iv. For exhibits greater than four pages, pagination must be generated and inserted electronically within the PDF (not handwritten). Pagination must be by exhibit number and page number, e.g. State's Ex.1-1, State's Ex 1-2, etc.;
 - v. The assigned judge may also require a courtesy copy of all exhibits and/or authorities either in electronic or paper form, and in such order and/or format as the judge otherwise directs.
- d) Prior to any telephonic conference it is the responsibility of all attorney's to have spoken to their respective clients to ensure the attorneys current understanding of the client's position in relation to the matter being addressed as well as to assure the client's available by telephone should the need arise to include them in the proceeding.
- e) Attorneys of record will receive a notice/invitation via email from the court prior to the Zoom video hearing with access instructions. It is the responsibility of the attorneys involved to provide their clients and necessary witnesses with the information needed to participate in the remote proceeding. Attorneys are encourage to provide only the call in number, meeting ID and password with persons who will be participating in the remote proceeding. If the invitation is shared with such persons then the attorney shall first remove the court's email address from the invitation.
- f) On the day of a video hearing, it is the responsibility of the attorneys to ensure their clients and witnesses are available and ready to proceed at the appointed time. If any party does not appear then in the exercise of the court's discretion and considering applicable law the matter may proceed in said parties absence or the hearing may be cancelled and will only be rescheduled upon presentation of a written motion.
- g) The witness is to be alone, in a secure room with the doors closed.
- h) Witnesses and parties should wear appropriate attire and present themselves as they would if they were appearing in a physical courtroom.
- i) The witness is to ensure that there will be no interruptions or distractions for the duration of their appearance at the remote hearing.
- j) The witness should be advised that they will be placed under oath prior to testifying.
- k) It is also the responsibility of the attorneys to inform all parties and witness that they will be participating in a confidential juvenile court proceeding and that by participating in the confidential juvenile proceeding they are acknowledging that

they are authorized by law to participate in the case and further that they will maintain the confidentiality of the proceedings.

- 9) Once an exhibit is admitted into evidence during the hearing, the clerk of court shall upload the exhibit into Odyssey so that it becomes part of the record. Upon conclusion of the hearing, the clerk shall not be obligated to maintain any proposed exhibits that were not made part of the court record and may delete them at the clerk's convenience.
- 10) Where the case is one that involves the use of an interpreter, early and careful consideration should be given to scheduling an interpreter by court order in coordination with the Office of the Chief Judge.
- 11) The court reporter is the only person authorized to record the remote hearing by electronic means, stenography or any other method. Any audio or video recording or live streaming of the proceeding by a party or other person of a remote hearing is strictly prohibited and may subject an individual to contempt of court proceedings.
- 12) Juvenile courts are open only to the parties, the crime victim as defined by law, persons, including representatives of agencies and associations, who in the opinion of the court have a direct interest in the case or work in the court and news media. Within this context, non-parties and/or news media who desire to observe a juvenile proceeding should contact the Office of the Chief Judge for directions on how to attend.
- 13) All parties attending the remote hearing should ensure they have good connection/signal to avoid a breakdown in connection during the hearing. An Ethernet (wired) connection is recommended over a Wi-Fi connection. A poor video connection of a party or their attorney is not grounds to continue a hearing.

From the effective date of this order through May 29, 2020 all juvenile matter that require a court appearance or hearing will be heard at the Juvenile Justice Center (JJC). On June 1, 2020 and thereafter, unless otherwise order, all juvenile delinquency matters shall be heard at the JJC and all juvenile abuse matters shall be heard in courtroom 140 at the Kane County Courthouse in Geneva, IL.

Entered this 1st day of May, 2020


Kathryn D. Karayannis
Presiding Judge, Juvenile Division

EX. 1

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY

In the Interest of _____)
) General Number:
)
a minor)

SAMPLE

Motion (Joint Motion) For Leave to Schedule a Remote Hearing

Now come _____ by and through their attorneys,
_____ and _____ and
_____ and move this Court for leave to schedule a remote
_____ (insert either telephonic or video) hearing in the above
captioned matter for _____ (insert the purpose of the requested
proceeding). All documents required by statute, court rules, and administrative order have
been completed and filed with the Circuit Clerk, and the parties have/have not consent to the
requested hearing format.

By: _____

A true copy of the original of this
document is on file in my office
Attest: May 1, 2020
Thomas M. Hartwell
Circuit Court Clerk, Kane County, Illinois
By: [Signature]
Deputy Clerk