

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

Thomas M. Hartwick
Clerk of the Circuit Court
Kane County, IL

MAY - 1 2020

FILED 098
ENTERED _____

IN THE MATTER OF COVID-19)
TEMPORARY PROCEDURES FOR)
FAMILY 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), Kane County General Order 20-18 and the Court’s inherent authority,

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

A) AGREED ORDERS AND UNCONTESTED MATTERS FOR RULING BY EMAIL

The Family Division will continue to accept Agreed Orders for review and entry at the respective Judge’s discretion as follows:

Agreed Orders (for Agreed continuances, resolving pending matters up to and including entries of Judgment) shall continue per previous protocol posted within the Kane County Family Court Local Court Rules, III. FAMILY, Article 14: Family Division as follows:

Where there is counsel for both parties all correspondence can be emailed directly to the Judge for review or the Family Division email address at FamilyDivision@16thCircuit.IllinoisCourts.gov under the following guidelines:

- a. Where one or both parties is a Self-Represented Litigant, correspondence shall be sent **ONLY** to the family division email at FamilyDivision@16thCircuit.IllinoisCourts.gov.
- b. Copy all opposing parties on your emails or it will be returned
- c. Include the respective Judge’s name and case number in the body of the email for faster distribution.
- d. Counsel shall not include their clients in the emails to the respective Judge’s direct email address.

B) AGREED REMOTE PRETRIAL CONFERENCES

The Family Division will continue to conduct remote Pretrial Conferences at the respective Judge’s discretion as follows:

- 1) Remote pretrial conferences shall continue per previous protocol posted within the Kane County Family Court Local Court Rules.
- 2) Notice of request for an agreed pretrial conference shall be as stated in Paragraph A above.

C) PROTOCOL FOR REMOTE CONTESTED HEARINGS

Effective May 4, 2020, the Family Division Judges will begin to conduct Remote hearings on contested matters as follows:

- 1) At the discretion of the assigned judge, arguments on contested (non-evidentiary) family court hearings, status hearings, and settlement conferences may be undertaken by way of remote hearing either telephonically or via the Zoom platform, and contested family evidentiary hearings may be undertaken via the Zoom platform.
- 2) Parties may request a Remote Contested Hearing by sending a Notice and Motion for the same (samples attached as Exh. 1 and Exh. 2) to the Clerk's Office by email at CICFamilyRemoteOrders@co.kane.il.us
- 3) The contested remote Zoom hearing shall be initiated by the Judge and subject to the Court's availability and priority of matters pending before the Court.
- 4) Parties may not object, nor opt out, from a Request solely on the basis that a matter is sought to be heard Remotely.
- 5) Parties are responsible for obtaining a court reporter if they would like the hearing transcribed. The parties may also request a reporter from the Court and will be responsible to pay equally the cost of the transcript of the proceeding which shall then be filed by the Court reporter with the Clerk of Court.
- 6) Notwithstanding the foregoing, if the parties file a consent that includes an appeal waiver on the issue of telephonic testimony the assigned judge may, in his or her discretion, approve a request to take witness testimony via telephone.
- 7) 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 Civil Procedure, Illinois Supreme Court Rules and the Rules of Practice of the Circuit Court, Sixteenth Judicial Circuit.
- 8) 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.
- 9) Holding a hearing remotely requires proper preparation and planning. Steps required to be taken prior to any contested remote hearing are as follows:
 - a) The party requesting a hearing shall e-file both a Notice and Motion to Set a Remote Hearing (Sample forms is attached as Ex.1 & Ex.2). The assigned Judge will then review the file and either approve the order, or reject it and make a docket entry as to why. The judge may also conduct a telephonic hearing on the motion. The Notice shall include the email addresses of both parties.

- b) Upon authorizing a remote hearing, the Court will enter an Order setting the date, time and duration of said Remote Hearing. The Court shall also issue the invitation to attend the Remote Hearing using the Zoom video platform.
 - c) Two (2) 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. All persons must use their real names (not aliases) while online to ensure they will not be prevented from entering the hearing.
 - d) Two (2) 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.
 - e) At least two court days before the hearing parties shall prepare and email to the circuit clerk at CICexhibits@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. P1, P2, CP1, CP2, RA, RB, D1, D2, 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. P1-1, P1-2, P1-3...RA-1, RA-2, RA-3, 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.
 - f) Attorneys of record will receive a notice via email from the Court at least one day prior to the Zoom video hearing with access instructions. 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.
- 10) 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.
- 11) Where the case is one that involves the use of an interpreter, early and careful consideration should be given as to how best to facilitate this involvement in the context of a remote hearing. Please coordinate the use of an interpreter with the Family Judicial Assistant at 630-232-5820.

- 12) Where a witness attends the remote hearing, the witness will be sworn or affirmed by the judge prior to commencement of their testimony. In addition:
 - a) The witness is to be alone, in a secure room with the doors closed. A record will be made by the judge of those conditions.
 - b) Witnesses and parties should wear appropriate attire and present themselves as they would if they were appearing in a physical courtroom.
 - c) The witness is to ensure that there will be no interruptions or distractions for the duration of their appearance at the remote hearing.
 - d) The witness should have recently read all affidavits, statements, and documents before the remote hearing and have a copy of those documents with them and identified in the same manner as the documents are filed with the clerk. This provision is not mandatory for materials to be used in cross-examination or in the examination of adverse witnesses.
- 13) The court reporter is the only person authorized to record the remote hearing by electronic means, stenography or any other method. Any recording by a party or other person of a remote hearing without the permission of the court is strictly forbidden.
- 14) American courts are generally open to the public and it remains highly desirable that the operations of the family courts are as transparent as possible. Within this context, the court and the parties must consider how the press and public can have access to the remote hearing. The daily court schedule shall reflect that a hearing is remote and the date and time of such hearings. Members of the public and/or media who desire to observe a hearing should contact the Family Court Judicial Assistant at 630-232-5820 for directions on how to attend. Observers are prohibited from speaking to witnesses or potential witnesses concerning any testimony or evidence until after the evidence has closed.
- 15) 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.

D) SELF REPRESENTED LITIGANTS

Self-Represented Litigants may seek entry of Agreed Orders for continuances and resolving pending matters up to and including entries of Judgment by emailing requests to the Clerk of Court at CICFamilyRemoteOrders@co.kane.il.us. This includes requests for Fee Waivers which may be applied for without making a Court Appearance.

Until further Order of Court, the Clerk of the Circuit Court may receive Family Division filings by mail or over the counter from Self-Represented Litigants seeking exemption from electronic filing. All attorneys shall continue to electronically file as mandated by the Illinois Supreme Court.

Amended this 1st day of May, 2020



Cruz, Rene
May 1 2020 2:34 PM

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René Cruz , Presiding Judge

STATE OF ILLINOIS
IN THE CIRCUIT COURT FOR THE 16TH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS

IN RE THE MARRIAGE OF:)
)
)
 Petitioner,)
)
 and) Case No. _____
)
)
 Respondent.)

NOTICE OF MOTION FOR A REMOTE HEARING

NOW COMES, the Petitioner/Respondent, by and through their attorney, _____/Pro Se, and hereby moves this Court for leave to schedule a remote Telephone/Video hearing in the above captioned matter on the Motion/Petition for _____ filed on _____ with the Clerk of the Court. All documents required by statute, court rules and administrative orders and notice of the same have been completed and filed with the Circuit Court Clerk.

Petitioner/Respondent has been notified of this request and IS/IS NOT in agreement to the request for Remote Hearing. If there is no agreement, the opposing party HAS/HAS NOT filed a Response.*

Respectfully Submitted,

By: _____

Attorney for Petitioner/Respondent

Email address:

Plaintiff or Representative:

Respondent or Representative
