

AMENDED
SIXTEENTH JUDICIAL CIRCUIT
ADMINISTRATIVE ORDER – FAMILY DIVISION
Effective July 27th, 2020

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\(b\)](#), existing Covid-related Kane County General Orders and the Court’s inherent authority, and

WHEREAS this *Amended* Administrative Order replaces the prior Amended Family Division Administrative Order effective June 8, 2020;

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

A) SELF REPRESENTED LITIGANTS

Self-Represented Litigants may seek entry of Agreed Orders for continuances and schedule matters up to and including entries of Judgment for Dissolution by emailing requests to the Family Division at FamilyDivision@16thCircuit.illinoiscourts.gov. The opposing party **MUST** be included in all communications and litigants should use this email address solely for procedural matters. Under no circumstances should this email be used to discuss the facts of their case.

Fee Waivers may be applied for through the Circuit Clerk’s office without making a court appearance after filing with the Circuit Clerk. The Circuit Clerk shall then forward the application to the respective Judge.

B) 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 for Dissolution) shall continue per previous protocol

posted within the Kane County Local Court Rules, III. FAMILY, Article 14: Family Division, Standing Orders as follows:

For cases in which 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:

1. 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.
2. Copy all opposing parties on your emails or they will be returned.
3. Include the respective Judge's name and case number in the subject and body of the email for faster distribution.
4. Counsel shall not include their clients in the emails to the respective Judge's direct email address.

C) 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 Local Court Rules, III. FAMILY, Article 14: Family Division, Standing Orders.
2. Notice of request for an agreed pretrial conference shall be as in Paragraph B above.

D) CASES CONTINUED FOR STATUS THROUGH JULY 30, 2020 BY CIRCUIT CLERK and PROCEDURES FOR ADVANCEMENT OF COURT DATES

All court dates previously continued by the Circuit Clerk consistent with prior Administrative Orders remain scheduled for status on the continued date regardless of the time and designation assigned in said notice of continuance.

E) AMENDED PROTOCOL FOR IN PERSON AND REMOTE COURT PROCEEDINGS:

The Amended protocol for In Person and Remote Court proceedings shall be pursuant to the Family Division Schedule outlined in the *August 10th Calendar* (attached as *Amended Ex. A, modifying the staggered court calendars for the Family Division*) delineating when courtrooms will be open for In Person court appearances (in yellow) and Remote Court proceedings via Zoom video platform (in blue).

1. **IN PERSON CALENDAR (Ex. A, in yellow)**

a. Courtrooms 111, 113, 201, 211

- i. All parties and counsel may appear in person or remotely via the Zoom Livestreaming icon at <https://www.illinois16thjudicialcircuit.org> on all In Person Calendar appearances unless specifically required to appear in person by the Court *effective July 27, 2020*.
- ii. For all cases in which both parties are self-represented, the Circuit Clerk shall schedule matters on the In Person Calendar from 9:00 to 9:30a.m;
- iii. For all other cases, the Circuit Clerk shall schedule matters on the In Person Calendar at 9:30a.m.
- iv. The morning In Person Calendar at 10:30a.m. and 11:00a.m. shall be by court order only.
- v. The afternoon In Person Calendar shall be by court order only.
- vi. Parties must schedule matters for which they seek relief from a Self-Represented Litigant (i.e. Motion for Default) or their own clients (i.e. Motion to Withdraw) on the In Person Calendar.
- vii. For all cases, the appropriate notice pursuant to law and Local Rule shall be given to the opposing party.

b. Courtroom 101

- i. All parties and counsel may appear in person or remotely via the Zoom [Livestream](https://www.illinois16thjudicialcircuit.org) icon at <https://www.illinois16thjudicialcircuit.org> on the In Person morning Calendar unless specifically required to appear in person by the Court.
- ii. For all cases in which both parties are self-represented, the Circuit Clerk shall schedule matters on the In Person Calendar Tuesday or Thursday at 1:30p.m. or 3:00p.m.
- iii. For all cases in which one or both parties are represented by counsel, the Circuit Clerk shall schedule matters on the In Person Calendar Monday, Wednesday, or Friday at 9:00a.m. or 10:00a.m.
- iv. The afternoon Calendar for Monday, Wednesday and Friday shall be by court order only.
- v. For all cases, the appropriate notice pursuant to law and Local Rule shall be given to the opposing party.

2. **REMOTE (ZOOM VIDEO) CALENDAR (Amended Ex. A, in blue)**

Parties **MAY NOT** object to a matter proceeding solely on the basis that it may occur remotely.

Courtrooms 101, 111, 113, 201, 211

- i. For cases in which both parties in a pending matter are represented by counsel, matters may be motioned in for Court Management/Presentment/Setting on the Remote Court Calendar during the morning court schedules.
- ii. Family Division afternoon Remote Court settings shall be special settings by court order only.

- iii. Parties shall call the Circuit Clerk at 630-232-3413 to check for availability on the respective date and time requested. When a date is given, the party shall then file their respective Notice and Motion relating to the scheduled date.
- iv. Counsel and parties shall attend remote court sessions by going to the Zoom [Livestream](https://www.illinois16thjudicialcircuit.org) icon at <https://www.illinois16thjudicialcircuit.org> and joining the respective Courtroom schedule.
- v. Parties are responsible for obtaining a court reporter if they would like the hearing transcribed.
- vi. Except as otherwise provided for in this order, hearings conducted pursuant to this Order shall be conducted by 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.
- vii. 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.

3. REMOTE HEARINGS:

Following any In Person or Remote appearances, the Court may set a matter for hearing on the pending issues for a Remote Hearing. Steps required to be taken prior to any remote hearing are as follows:

- a) Parties shall attend the remote hearing by accessing the court schedule at <https://www.illinois16thjudicialcircuit.org>
- b) 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.
 - i. At least two (2) court days before the hearing parties shall prepare and email to the assigned judge 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.
 - ii. On the day of a remote hearing, it is the responsibility of the attorneys to ensure their clients and witnesses are available and ready to proceed at the appointed time.
 - iii. Upon conclusion of the hearing, the Court shall deliver to the Circuit Clerk all exhibits that were admitted into evidence for upload to Odyssey for entry on the record. The Circuit Clerk shall not be obligated to maintain any proposed exhibits that were not made part of the court record.

- iv. 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.
- v. 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 Circuit Clerk. This provision is not mandatory for materials to be used in cross-examination or in the examination of adverse witnesses.
 - e) 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.
 - f) 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.
 - g) 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.

- h) All parties attending shall make best effort to ensure that the name used for their respective login is easily identifiable by the Court to their respective case to participate in the remote hearing.

F) FRIDAY CASE MANAGEMENT DATES IN COURTROOMS 111, 113, 201, 211:

1. All parties and counsel may appear at the Friday case management conferences (CMC)/status call remotely (pursuant to Amended Ex. A) from 9:00a.m. to 10:30a.m. by accessing the court schedule at <https://www.illinois16thjudicialcircuit.org>.
2. The Court may schedule and conduct PreTrial conferences from 10:30am to noon on CMC dates.
3. Where no agreed order is received by the Court prior to said Friday CMC date, the Court shall enter an Order continuing the matter for a minimum of 60 days.
4. If no order is submitted for two successive Friday CMC dates, the matter may be dismissed for want of prosecution.

Entered this 27th day of June, 2020

René Cruz , Presiding Judge