

**AMENDED**  
**SIXTEENTH JUDICIAL CIRCUIT**  
**ADMINISTRATIVE ORDER – FAMILY DIVISION**  
*Effective June 8, 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), Kane County General Order 20-22 and the Court’s inherent authority, and

**WHEREAS** this *Amended* Administrative Order replaces the prior Amended Family Division Administrative Order effective June 1, 2020, identified by the language in ***bold italics*** below;

**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 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](mailto: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](mailto: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.

## **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 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 A above.

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

In order to accommodate the ability to clear the Courts' calendars and provide access to the Courts pursuant to the June 1<sup>st</sup> Schedule (Ex. A), all matters currently scheduled for proceedings in Courtrooms 111, 113, 201 and 211 Monday through Thursday mornings, from June 8, 2020 through July 30, 2020 shall be continued by the Circuit Clerk for status to the months of August *and September* 2020 and staggered into the June 1<sup>st</sup> Schedule format.

The Circuit Clerk shall send notices to all parties of the new dates and all cases may be advanced by parties into the new June 1<sup>st</sup> Schedule for Courtrooms 111, 113, 201 and 211 beginning June 8<sup>th</sup> forward by the following protocols.

This does not include: (1) Matters scheduled on the afternoon calls, (2) existing out of court Zoom conferences scheduled by the Court, (3) returns on Orders of Protection, (4) cases currently set on Friday mornings.

Cases pending in Courtroom 101 shall proceed in person on currently scheduled court calls, subject to staggered times as outlined below, as will be implemented by the Circuit Clerk.

## **D) AMENDED PROTOCOL FOR IN PERSON AND REMOTE COURT PROCEEDINGS:**

Effective *June 8, 2020*, this paragraph hereby replaces the prior protocol for Remote Contested Hearings enumerated in the Family Division Amended Administrative Order effective *June 1, 2020*.

The Amended protocol for In Person and Remote Court proceedings shall be pursuant to the Family Division Schedule outlined in the *June 8<sup>th</sup>* Calendar (attached as *Amended Ex. A, adding remote case management access from 10:30am to 12:00pm on Fridays in CR111, 113, 201, 211*) 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. 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 10:00 am;
- ii. For all cases in which only one party is self-represented, the Circuit Clerk shall schedule matters on the In Person Calendar at 10:00a.m. or 11:00a.m
- iii. For all cases in which both parties are represented by counsel, scheduling shall be **by court order** only for the In Person Calendar at 10:00a.m. or 11:00a.m.
- iv. The afternoon In Person Calendar 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.

**B. Courtroom 101**

- i. 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 1:30 p.m. or 3:00 p.m.
- ii. For all cases in which only one party is self-represented, the Circuit Clerk shall schedule matters on the In Person Calendar Monday, Wednesday, or Friday at 9:00a.m. or 10:30 a.m.
- iii. The afternoon Calendar for Monday, Wednesday and Friday shall be **by court order only**.
- iv. For all cases in which both parties are represented by counsel, the Circuit Clerk's Office shall *only schedule emergency matters on the morning calendar. For all non-emergency matters, the Circuit Clerk shall not schedule* any court appearances, and shall direct counsel to email the Court directly to set the matter on the Remote Court Calendar.
- 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.

**A. Courtrooms 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 **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, then submit a Family Remote Court Information Sheet (hereinafter referred to as “Information Sheet” and attached as *Amended Ex. B*) to the Circuit Clerk’s Office by email at [CICFamilyRemoteOrders@co.kane.il.us](mailto:CICFamilyRemoteOrders@co.kane.il.us) within the same business day.
- iv. The Information Sheet must be fully completed and appropriate notice given to opposing party pursuant to law and Local Rule.
- v. The Circuit Clerk, after receipt of the Information Sheet shall schedule the matter on the respective Court’s docket and forward a copy of the Information Sheet to the Court.
- vi. ***Counsel and parties shall attend remote court sessions by going to <https://www.illinois16thjudicialcircuit.org> and joining the respective Courtroom schedule.***
- vii. Parties are responsible for obtaining a court reporter if they would like the hearing transcribed.
- viii. 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.
- ix. 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.
- x. 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.

**B. Courtroom 101**

- i. For cases in which both parties in pending matter are represented by counsel, counsel must email the judge directly to schedule the remote hearing and ***shall attend by accessing the court schedule at <https://www.illinois16thjudicialcircuit.org>***
- ii. The judge will enter an order.

**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. Holding a hearing remotely requires proper preparation and planning. Steps required to be taken prior to any remote hearing are as follows:

- a) Upon authorizing a remote hearing, the Court will enter an order setting the date, time and duration of said Remote Hearing. ***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 file a list containing the names and email addresses of the attorneys, and names of participants and attendees (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.
- c) 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.
- d) At least two court days before the hearing parties shall prepare and email to the Circuit Clerk's Office at [CICexhibits@co.kane.il.us](mailto:CICexhibits@co.kane.il.us) all 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;
  - iii. An index of all exhibits shall be included stating the number of pages in each exhibit;
  - iv. 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.
  - v. ***Parties shall attend the remote hearing by accessing the court schedule at <https://www.illinois16thjudicialcircuit.org>.*** 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.
  - vi. Once an exhibit is admitted into evidence during the hearing, the Circuit Clerk shall upload the exhibit into Odyssey so that it becomes part of the record. Upon conclusion of the hearing, the Circuit 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.
  - vii. 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.
  - viii. 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.
- 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 sure that the name used for their respective login is easily identifiable by the Court to their respective case to be allowed entry into the remote hearing.

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

1. All cases where both parties are self-represented should appear at Friday case management conferences (CMC).
2. Where one party is represented by counsel, counsel should make all efforts to communicate with the opposing party to avoid appearing in person and submit an Agreed Order to the Court for a future date to be entered remotely if there is no basis for a case management conference.

3. All cases where both parties are represented by counsel, neither counsel nor the parties shall appear at Friday case management dates. Attorneys shall make best efforts to submit an Agreed Order for a future date to be entered remotely prior to or on said dates *or may attend remotely (pursuant to Amended Ex. A) from 10:30am to 12:00pm by accessing the court schedule at* <https://www.illinois16thjudicialcircuit.org>.
4. 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.
5. If no order is submitted for two successive Friday CMC dates, the matter may be dismissed for want of prosecution.

#### **F) SELF REPRESENTED LITIGANTS**

Self-Represented Litigants may seek entry of Agreed Orders for continuances and schedule matters pursuant to Paragraphs A and D(1)(A) above including resolving pending matters up to and including entries of Judgment for Dissolution by emailing requests to the Circuit Clerk's Office at [CICFamilyRemoteOrders@co.kane.il.us](mailto: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.

Entered this 5<sup>th</sup> day of June, 2020

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René Cruz , Presiding Judge