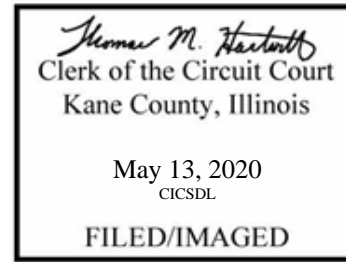


SIXTEENTH JUDICIAL CIRCUIT
ADMINISTRATIVE ORDER – JUVENILE DIVISION
Effective May 13, 2020

IN THE MATTER OF ACCESS)
TO JUVENILE COURT)
PROCEEDINGS)



WHEREAS Section 1-5(6) of the Juvenile Court Act states: “[t]he general public except for the news media and crime victims,shall be excluded from any hearing and except for the persons specified in this Section only persons, including representatives of agencies and association, who in the opinion of the court have a direct interest in the case or in the work of the court shall be admitted to the hearing.” (705 ILCS 405/1-5(6)).

WHEREAS the Illinois Supreme Court has defined “news media” as “established news gathering and reporting agencies and their representatives whose function is to inform the public.” Illinois Supreme Court of Illinois Policy for Extended Media Coverage in the Circuit Courts of Illinois 1.1(b).

WHEREAS a clear intent of the Juvenile Court Act is to “secure for each minor subject hereto such care and guidance,... as will serve the safety and moral, emotional, mental and physical welfare of the minor...” (705 ILCS 405/1-2(1)). With this goal in mind, definitions of representatives of agencies and association with “a direct interest in the case or in the work of the court” and members of the “news media” should, to the fullest extent possible, address the relationship and accountability of the persons permitted access to the juvenile proceedings.

WHEREAS the confidentiality of juvenile proceeding is of specific concern for the Courts. (See: 705 ILCS 405/1-5 (Rights of parties to proceedings), 705 ILCS 405/1-7 (Confidentiality of juvenile law enforcement and municipal ordinance violation records), 705 ILCS 405/1-8 (Confidentiality and accessibility of juvenile court records), 705 ILCS 405/1-9 (Expungement of law enforcement and juvenile court records), and 705 ILCS 405/1-11 (Designation of special courtrooms)).

WHEREAS the Legislature could grant broad access to juvenile records and proceedings, however, it has not done so. With the exception of parties and crime victims the statutes as written have no application to private individuals who simply seek to follow and/or gather and disseminate information about a juvenile case. Therefore, juvenile courts must protect the safety, security and confidentiality of minors involved in the proceedings. In order to afford this protection, when determining whether or not a person should be granted access to the proceeding based upon a representation that the person is a representatives of an agency or association with “a direct interest in the case or in the work of the court” or is a member of the “news media” a case by case analysis should be undertaken. It is in the best interest of the minor that this analysis be undertaken outside of the presence of the minor.

WHEREAS persons seeking admission to the juvenile proceedings as a representatives of an agency or association with “a direct interest in the case or in the work of the court” shall be prepared to present information as further set out below. These requirements will assist the court in determining whether the person qualifies as a representative of an agency or association with “a direct interest in the case or in the work of the court.” They will also assist the court in assessing, for the protection of the minor, whether there exists accountability in the protection of information learned while admitted to the proceeding. Further, this requirement will assist the court in establishing a distinction between representatives of an agency or association with “a direct interest in the case or in the work of the court” and private individuals who might otherwise seek admission into a juvenile proceeding. Finally, this requirement will provide the court with information beneficial in addressing, if necessary, coordination of such agencies or associations.

WHEREAS persons seeking admission to juvenile proceedings as members of the “new media” shall be prepared to present information as further set out below. These requirements will assist the court in determining whether the person qualifies as “news media” as set out by the Illinois Supreme Court. They will also assist the court in assessing, for the protection of the minor, whether there exists accountability in the reporting process such as editorial review and/or employer oversight when reporting on juvenile court matters. Further, this requirement will assist the court in establishing a distinction between “news media” and private individuals who might otherwise seek admission simply by stating the intent to write about the proceeding. Finally, this requirement will provide the court with information beneficial in addressing, if necessary, coordination of the news agencies and organizations permitted in the courtroom at any one time.

IT IS HEREBY ORDERED:

Pending further order of court any person or agency seeking admission to a juvenile court proceeding:

a. by virtue of being a representatives of an agency or association having “a direct interest in the case or in the work of the court” shall, prior to the being admitted into the proceeding, be required to make a written request for access and obtain written approval to access the proceeding. This request for access must be made in writing and shall include, but is not necessarily limited to providing information regarding: their relationship to the minor, the name and address of the agencies and association they represent and why that association with the minor requires access to the proceeding, their employment and/or prior authorization to participate in juvenile court matters.

b. as a member of the “news media” shall, prior to being admitted into the proceeding, be required to make a written request for access and obtain written approval to access the proceeding. The request for access must be made in writing and shall include, but is not necessarily limited to, providing information regarding: the name and address of the news agency or organization on whose behalf the person seeks to appear, the nature of the relationship between the individual seeking access and the news agency or organization, the nature and form and circulation of each format the news agency or organization utilizes to disseminate information (ex: broadcast media, print media, internet/on-line).

c. Requests made pursuant to paragraphs (a) and (b) above shall be filed with the Kane County Clerk of the Circuit Court. This filing must be made at least seven (7) days before the proceeding for which admission is sought. At the time of said filing, notice of said filing and a

copy of the request(s) shall be sent to all attorneys and self-represented parties of record as well as to the Judge presiding over the case. Notice to the Judge presiding over the case shall be delivered or mailed to: Office of the Chief Judge, Kane County Judicial Center, 37W777 Route 38, Suite 400, St. Charles, IL. 60175. Upon receipt of notice the Chief Judge shall inform the Judge presiding over the case. Any party objecting to the request shall file with the Kane County Clerk of the Circuit Court a written objection which objection shall state the reason for the objection. This notice of an objection shall be filed at least three (3) days before the commencement of the proceeding at issue unless otherwise ordered by the court. After time for objections have lapsed the Judge shall rule on the request. This ruling shall be made based the written request and/or objection alone unless otherwise ordered by the court. If granted the duration of the permitted request shall be at the Court's discretion.

Date: May 13, 2020

Kathryn Karayannis
Presiding Judge, Juvenile Division