

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
STATE OF ILLINOIS**

**APPENDIX D OF THE RULES OF PRACTICE OF THE CIRCUIT COURT OF THE
SIXTH JUDICIAL CIRCUIT**

Rules on the Use of Remote Court Proceedings

Pursuant to Illinois Supreme Court Rule 45, amended effective as of January 1, 2023, these Rules on the Use of Remote Proceedings in the Sixth Judicial Circuit are hereby adopted and shall be effective April 1, 2023.

WHEREAS, Illinois Supreme Court Rule 45(b)(7) requires the Chief Judge to submit a local rule to the Administrative Office of Illinois Courts within 90 days of its effective date and

WHEREAS, the local rule shall address issues including what case types and proceedings may be exempt under Rule 45(b)(2), how to join remote proceedings, how to make a request to appear remotely and standards of decorum which are to be expected of participants and

WHEREAS, the Presiding Judge of each County in the Sixth Judicial Circuit is in the best position to know the local Court's available remote appearance technology, workload of the judiciary and local practices and

WHEREAS, the Presiding Judge of each County has entered an Administrative Order regarding the use of remote proceedings in his/her county:

IT IS ORDERED:

Purpose:

The purpose of this Rule is to provide information about attending court by video or phone, when allowed, pursuant to Illinois Supreme Court Rule 45. That Rule can be found at www.illinoiscourts.gov/rules-law/supreme-court-rules. The Rule applies to case participants which is defined as individuals participating in a court proceeding including but not limited to the parties, criminal defendants, minors, lawyers, guardians *ad litem*, witnesses, and treatment providers. The Rule does not require a Court to make a remote option available for the general public although some Courts may have that option available. Courtrooms are open to the public except as provided for by law such as in juvenile matters.

When Remote Proceedings are Available:

The Sixth Judicial Circuit shall comply with Illinois Rule 45 as it pertains to the use of remote proceedings. The general rule is shown below. Section 45(b)(2) permits a judge, in his or her discretion, to require in-person appearances in certain circumstances and therefore can be exempt under the Rule which generally requires remote appearance without court permission. The attached Administrative Orders, entered in each County in the Sixth Judicial Circuit, specify which case type and proceedings are exempt from remote proceedings without permission.

The general rule is as follows:

Civil Matters and Criminal Matters That Do Not Involve the Possibility of Jail or Prison Time.

Case participants shall be permitted to attend court via the circuit court's available remote appearance technology without any advance approval, except for the following proceeding types, which shall require the approval of the judge presiding over the matter:

- (i) Evidentiary hearings, except for ex parte evidentiary hearings (such as emergency orders of protection hearings);
- (ii) Settlement conferences;
- (iii) Bench trials;
- (iv) Jury trials; and
- (v) Any case type or proceeding type exempted from remote participation.

Criminal Matters That Involve the Possibility of Jail or Prison Time and Juvenile Delinquency Matters.

Case participants shall be permitted to attend court via the circuit court's available remote appearance technology without any advance approval for the following proceeding types:

- (i) Initial appearances;
- (ii) In Juvenile Delinquency Matters, initial or subsequent appearances at which continued detention of a minor will be determined;
- (iii) Status hearings;
- (iv) Waiver of a preliminary hearing;
- (v) Arraignments on an information or indictment at which a plea of not guilty will be entered;
- (vi) Presentation of a jury waiver;
- (vii) Non-evidentiary hearings; and
- (viii) Hearings conducted under the Sexually Violent Persons Commitment Act (725 ILCS 207/1 et seq.) at which no witness testimony will be taken.

Case participants shall be permitted to attend the following proceeding types via the circuit court's available remote appearance technology only with the approval of the judge presiding over the matter. In addition, before the defendant or minor may attend the following proceedings remotely, the Court must have accepted the defendant's or minor's waiver of an in-person appearance in accordance:

- (i) Negotiated pleas;
- (ii) Evidentiary hearings;
- (iii) Sentencing hearings;
- (iv) Probation revocation hearings;
- (v) Arraignments or other proceedings or appearances at which a plea of guilty will be entered;
- (vi) Hearings conducted under the Sexually Dangerous Persons Act (725 ILCS 205/0.01 et seq.);
- (vii) Bench trials or stipulated bench trials; and
- (viii) Any case type or proceeding type exempted from remote participation.

Waiver of defendant's or minor's in-person appearance at court proceedings. In proceedings where a waiver of a defendant's or a minor's in-person appearance is required for a remote appearance, the decision whether to waive an in-person appearance

shall belong to the defendant or minor and not to defense counsel. A waiver of in-person appearance can be revoked at any time.

Juvenile Abuse, Neglect, and Dependency Matters and Juvenile Intervention Matters.

In Juvenile Abuse, Neglect, and Dependency Matters and Juvenile Intervention Matters, case participants shall be permitted to attend court via the circuit court's available remote appearance technology without any advance approval, except for the following proceeding types, which shall require the approval of the judge presiding over the matter:

- (i) Evidentiary hearings;
- (ii) Adjudication hearings;
- (iii) Permanency hearings;
- (iv) Disposition hearings;
- (v) Termination of parental rights hearings; and
- (vi) Any case type or proceeding type exempted from remote participation.

Contacting Court Personnel for Information:

Judicial courtrooms and workload assignments change as do staff assisting them. The information listed below is accurate as of the adoption of this Rule. Contacting the Courts as set forth below will allow a person to obtain the most up-to-date information about remote practices and how to make a request to appear remotely, if permitted. The Courts can advise you of any meeting ID, password or dial-in information that may be needed. All summonses, notices and court orders setting court dates where case participants have the option to appear remotely shall include the foregoing information.

For remote access resources, including written instructions and short videos on how to Zoom from a computer or mobile device, may be found at www.ilcourts.info/AllRemoteCourtResorces.

Champaign County:

There are eleven judges/courtrooms, from Courtroom A-L (excluding I). Judges use remote proceedings in various manners. For instance, major civil law judges use remote in all proceedings except final pretrials and trials (as Rule 45 states). In other courtrooms, such as traffic and criminal courts, most cases require in-person appearance due to the high volume of cases (an exemption has been entered under Rule 45). Case participants who have questions about the use of remote proceedings in a particular courtroom should contact the judge's clerk.

Each courtroom has an email address which is reviewed by a judge's clerk. Therefore, anyone needing information about how to join a remote proceeding by phone or video, where to find information and assistance for remote proceedings and how to make a request for remote proceedings, should send an email to the judge's clerk. E.g. Judge Webber is in courtroom A so his clerk's email is CourtroomA@co.champaign.il.us. The email is the same for each courtroom except for the courtroom letter. As of the adoption of this Rule, other judge's locations are Rosenbaum (B), Bohm (C), Holliman (D), Lee (E), Dyer (F), Beckett (G), Sullivan (H), Benjamin (J), Olmstead (K), and Dill (L).

For a current listing of judicial assignments and courtrooms, look for the most recent Administrative Order at www.co.champaign.il.us/CircuitCourt/Orders or contact the Court Administrator at CourtAdministrator@co.champaign.il.us or (217) 384-0154.

Macon County:

There are 9 judges/courtrooms. Judges use remote proceedings in various manners, similar in nature to Champaign County. Case participants who have questions about the use of remote proceedings in a particular courtroom should contact the judge's clerk. For a current listing of judicial assignments and courtroom, go to www.cclerk.co.macon.il.us/judges-macon-county-circuit-court. For updated information, you may contact a court administrator at: mfaulkner@court.co.macon.il.us or (217) 424-1464

DeWitt, Douglas, Moultrie and Piatt Counties:

In each of these counties, there is one full-time resident Circuit Judge and an Associate Judge who handles matters on occasion. The Judges use remote proceedings in various manners. Case participants who have questions about the use of remote proceedings in a particular courtroom may contact the following court administrators:

DeWitt: Call (217) 935-7750.

Douglas County: Call (217) 253-4121.

Moultrie County: zoom@moultrieco.org or call (217) 728-4521.

Piatt County: Call (217) 762-5861

Standards of Decorum:

When appearing remotely during a court proceeding, lawyers, litigants and the public must act as if they were in the courtroom itself.

- There is no fee to appear remotely.
- You can appear by video or by phone. Please set your screen name to be your name so you can easily be identified.
- Appearing remotely is still attending court. Follow all the rules of the Court. Any video recording, audio recording, photographing, taking screenshots, and/or reproducing of the livestream is strictly prohibited. Doing so is subject to the penalties for contempt of court. If you do not follow the Court's rules, you may be removed from the Court hearing, required to appear in-person at subsequent hearings and the Judge may impose a fine or other punishment, including a finding of contempt of court.
- The Court may ask a case participant questions to ensure an accurate identification of the person and/or to protect against inappropriate influences such as the participant communicating with others or having access to inappropriate materials during the proceeding.
- You should be appropriately dressed.
- Be aware of your background (area behind you). Make sure it is appropriate; it will be seen by the Judge and other people attending the hearing. Make sure you are not sitting directly in front of or behind a window, because the light or reflection can affect the video.
- Choose a quiet place to participate in the hearing, for instance not a moving vehicle. Cell phones should be muted, doors to rooms closed and disruptions minimized. No smoking or vaping permitted.

- You should remain on mute until it is your time to speak. Do not speak over anyone and do not interrupt anyone. Use appropriate language as you would in a courtroom.
- If there is a court reporter or language interpreter present, be aware that he or she may interrupt from time to time to clarify who is speaking.

Where this Rule, Amendments and local Orders will be shared:

Information about this Rule and any amendments shall be posted on the website for the Illinois Sixth Judicial Circuit at www.sixthcircuitcourt.com. Information about a County's Administrative Order regarding exemptions to this Rule can be found on their websites, their Circuit Clerk's website and/or in public areas of their Courthouses. All of this information will be shared with the Administrative Office of Illinois Courts, local bar associations and local shareholders including but not limited to the Sheriff, State's Attorney, Public Defender and Circuit Clerk.

Date: 3/21/23
Adopted

ENTER: 
Chief Judge Randall B Rosenbaum