

LOCAL RULE 2023 - 01

**FOR THE 23RD JUDICIAL CIRCUIT
DEKALB & KENDALL COUNTIES**

REMOTE APPEARANCES AND PROCEDURES

FILED

APR 03 2023

Lori Grubbs
Clerk of the Circuit Court
DeKalb County, Illinois

1. Appearances

A. Written Appearance by Attorneys

An attorney for a party shall file a written appearance pursuant to Supreme Court Rule 13 (a)&(c) before the attorney addresses the Court. Every written appearance must contain the attorney's legible name, address, telephone number and e-mail address. The attorney shall serve copies of the written appearance in the manner required for the service of pleadings. The attorney must seasonably update information contained in the appearance.

B. Written Appearance by Self-Represented Litigants (SRL)

An SRL shall file a written appearance, by pleading or otherwise, before participating in any hearing before the Court. Every appearance must contain the SRL's legible name, address, telephone number, and, if required e-mail address. If the appearance is not e-filed, the SRL must sign the appearance, and the SRL's signature must be acknowledged before a notary public or other person authorized to administer oaths under Illinois law. If the appearance contains a waiver of notice or consent to immediate hearing, the SRL shall set forth in the appearance that the SRL has received a copy of that pleading prior to the appearance. The SRL shall serve copies of his or her appearance in the manner required for the service of pleadings.

C. Time to Plead

A party who appears without having been served with summons is required to plead within the same time as if served with summons on the day he or she appears pursuant to Supreme Court Rule 13(b).

D. Appearance Fees

1. Number of Fees

If a single appearance is filed for several parties, a single appearance fee shall be paid. If separate appearances are entered for several parties, either by the same or different attorneys, a separate appearance fee shall be paid.

2. Supplementary Proceedings

No appearance fee shall be paid when the appearance is filed.

3. Time of Payment

The appearance fee shall be paid when the appearance is filed.

E. Application for Waiver of Fees

An Application for Waiver of Court Fees in a civil action shall be in writing, on the form adopted by the Illinois Supreme Court, and signed by the applicant or, in the case of a minor or an incompetent adult, by another person having knowledge of the facts, and shall be e-filed in accordance with the Rules, unless e-filing is excused by the Court. If an applicant must personally appear to present the application and any supporting evidence to the Court, the Clerk shall inform the applicant of the time and place of the appearance when the applicant files the application.

2. General Rules

- A. Any judge in the Twenty-Third Judicial Circuit has the discretion to create and maintain a remote hearing docket to address safety or health concerns, provide cost or time savings to the court or parties, or improve efficiency of court operations. In the creation and scheduling of such hearings, judges and courthouse personnel should strive to utilize technology which is readily available to the public and attorneys and is available at either no cost or low cost to participants and is otherwise safe and secure.
- B. Nothing in this rule requires a judge to hold either a remote hearing in any proceeding unless otherwise mandated by law or other established court procedure – see Section D below. Those proceedings allowed to be conducted by video or telephone under SCR 45(c) - 45(e) may be required to be in person if the judge determines, in his or her discretion, that the nature of the hearing, the conduct of the parties or attorneys in the case or the need to allow parties and their attorneys to communicate and negotiate effectively to facilitate resolution or case management pursuant to applicable Supreme Court Rule 218 make it necessary.
- C. When a remote hearing involves a defendant in custody, the judge may provide a reasonable opportunity for counsel to communicate privately with said defendant prior to, during and immediately after the proceeding.
- D. A judge may direct an attorney to initiate a remote hearing in an individual case as necessary.
- E. Persons who appear remotely shall conduct themselves in the same manner and in accordance with the same standards as the Illinois Code of Civil Procedure, Illinois

Supreme Court Rules, and Twenty-Third Judicial Circuit Court Rules. The same rules regarding being on time, dress, conduct, demeanor, language and respect for the Court and staff apply as if the participants were physically present in the courtroom.

F. In addition to paragraph 4 herein, remote hearing instructions and information will be made available to the bar associations of the Twenty-Third Judicial Circuit.

3. How to join a remote proceeding in the Twenty-Third Judicial Circuit

DeKalb County: circuitclerk.org

Kendall County: kendallcountyil.gov

(Follow “Offices”, “Judiciary”, “Remote Court Appearances” tabs)

4. Where to find information and assistance for remote proceedings

A. DeKalb County Circuit Clerk: 815-895-7131 or 815-895-7138

B. Kendall County Circuit Clerk: 630-553-4183

5. Proceeding types exempted from remote proceedings by case category pursuant to Rule 45(b)(1).

A. Criminal Felony and Criminal Misdemeanor

1. Recall of a warrant
2. Evidentiary hearings
3. Plea of guilty
4. Sentencing
5. Jury or bench trial
6. Hearing to revoke probation
7. Hearings conducted under the Sexually Dangerous Persons Act
8. All specialty court proceedings, including, but not limited to Drug Court (unless waived by the Court)
9. All contempt of court proceedings

B. Civil (all subcategories)

1. Evidentiary hearings
2. Settlement conferences
3. Jury or bench trial
4. Final Pretrial before the commencement of a trial
5. All contempt of court proceedings

C. Family

1. Evidentiary hearings
2. Settlement conferences
3. Bench trials
4. GAL reports to the court
5. Recall of a warrant (unless represented by an attorney)
6. All contempt of court proceedings

D. Juvenile Delinquency

1. Recall of a warrant (unless represented by an attorney)
2. Evidentiary hearings
3. Plea of guilty
4. Sentencing
5. Jury or bench trial
6. Hearing to revoke probation
7. Hearings conducted under the Sexually Dangerous Persons Act
8. All contempt of court proceedings

E. Juvenile Abuse & Neglect Hearing

1. Evidentiary hearings
2. Adjudication hearings
3. Permanency hearings
4. Disposition hearings
5. Termination of Parental Rights
6. All specialty court proceedings
7. All contempt of court proceedings

F. Major Traffic, Minor Traffic, DUI, Ordinance Violations

1. Recall of a warrant (unless represented by an attorney)
2. Evidentiary hearings
3. Plea of guilty (unless waived by the Court)
4. Sentencing (unless waived by the Court)
5. Jury or bench trial
6. Hearing to revoke probation
7. All specialty court proceedings
8. All contempt of court proceedings


6. How to request a remote proceeding

- A. Parties who wish to appear remotely for a future court appearance where the proceeding is otherwise scheduled to be in-person shall be entitled to do so only upon advance approval

of the court. Notice of this request shall be provided to the other party or attorney of record at least three business days prior to the court proceeding. The other party or attorney may make written objection to the request. It is within the discretion of the Court whether to grant any request where an in-person appearance is otherwise required.

- B. Attorneys who wish to appear remotely must follow the steps outlined in section 6. A. above and must notify their client of any such request. If the party is required to attend the proceeding in person, the attorney shall be so required unless their appearance is waived by the Court. The other party or their attorney may make written objection to the Court of said request. It is within the discretion of the Court whether to grant any request where an in-person appearance is otherwise required.
- C. In its discretion, the Court may convert an in-person proceeding to a remote proceeding for the health, safety or welfare of the parties or attorneys, or efficiency of the Court. The decision of the Court to convert to a remote proceeding is not determinative of how future court hearings will be held.
- D. Remote proceedings involving juveniles require that the juvenile be located in a private location and/or room without anyone else at the location and/or in the room, except for the juvenile's parent(s), guardian, and or attorney.
- E. Attorneys and/or self-represented litigants shall submit an order as directed by the Judge presiding by 3:00 pm on the day of the hearing, failure to do so may result in revocation of future remote appearances in that case.

ENTERED THIS 31st day of March, 2023.



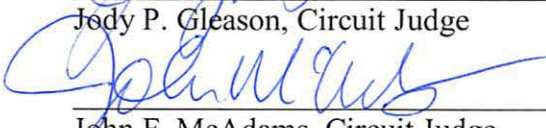
Stephen L. Krentz, Circuit Judge



Robert P. Pilmer, Circuit Judge




Jody P. Gleason, Circuit Judge




John F. McAdams, Circuit Judge



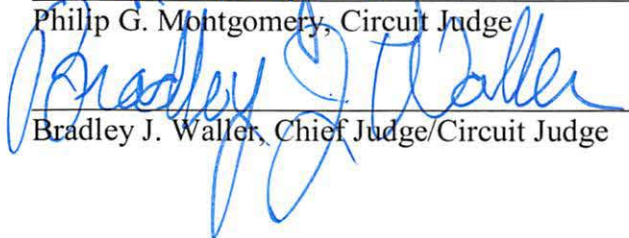
Marcy L. Buick, Circuit Judge



Joseph C. Pedersen, Circuit Judge



Phillip G. Montgomery, Circuit Judge



Bradley J. Waller, Chief Judge/Circuit Judge