

## **ARTICLE 17: JUVENILE PROCEEDINGS**

### **SUB-PART A GENERAL PROVISIONS**

#### **17.01 PURPOSE AND POLICY**

- (a) These rules set forth procedures for the Juvenile Court in Kane County. They supplement the Juvenile Court Act (705 ILCS 405/1-1 et seq.), the Code of Civil Procedure (735 ILCS 5/1-101 et seq.) and the Rules of the Illinois Supreme Court. They are designed to facilitate the movement of cases through the Court by reducing unnecessary delay, strengthening caseload management, and encouraging involvement of parents and other parties so as to ensure the best interests of the children are provided for.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

#### **17.02 JUVENILE COURT JUDGES**

- (a) The Chief Judge or his designee shall designate Juvenile Court Judges to hear Juvenile Court matters in Kane County. The Presiding Judge in DeKalb and Kendall Counties shall designate a Juvenile Court Judge to hear juvenile matters in DeKalb and Kendall Counties. All Juvenile Court matters, including both shelter and detention hearings, shall be heard by the assigned Juvenile Court Judge, or by any Judge sitting in his or her stead. The Judge entering the adjudicatory order shall, whenever possible, conduct the dispositional hearing.

*Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

#### **17.03 SUBSTITUTION OF JUDGES**

- (a) All substitution of Judge requests shall be governed by 735 ILCS 5/2-1001 and shall be transferred to the Presiding Judge of the Division for reassignment.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

#### **17.04 RELEASE OF CONFIDENTIAL INFORMATION**

- (a) All requests for release of information of juvenile law enforcement and juvenile court records shall be governed by 705 ILCS 405/1-7 and 705 ILCS 405/1-8 of the Juvenile Court Act.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

#### **17.05 EXPUNGEMENTS**

- (a) All requests for expungement of law enforcement and juvenile court records shall be governed by 705 ILCS 405/1-9 and 705 ILCS 405/5-915 of the Juvenile Court Act and shall be heard by the Chief Judge or a Judge designated by the Chief Judge.
- (b) Filing of petitions for expungements of law enforcement records or juvenile court records shall be governed by 705 ILCS 405/5-915 of the Juvenile Court Act.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

#### **17.06 INTERSTATE COMPACT ON JUVENILES**

- (a) All requests for return of a minor pursuant to the Interstate Compact on Juvenile Act (45 ILCS 10/0.01 et seq.) requiring Court approval shall be heard by the assigned Juvenile Court Judge or by any Judge sitting in his or her stead.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

#### **17.07 FILING OF PETITIONS**

- (a) The filing of petitions for abuse, neglect and dependency shall be governed by 705 ILCS 405/2-13 of the Juvenile Court Act. The filing of petitions for delinquency shall be governed by 705 ILCS 405/5-520 of the Juvenile Court Act.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

#### **17.08 APPOINTMENT OF COUNSEL**

- (a) If any Respondent in a juvenile court action qualifies for counsel by Statute or the Rules for court appointed counsel, the Public Defender shall be first appointed.
- (b) If any other Respondent qualifies for court-appointed counsel and a conflict exists, counsel shall be appointed pursuant to the Chief Judge's General Order in effect at the time designating conflict counsel.
- (c) If any other minor Respondent in a delinquency case qualifies for court-appointed counsel and after the Public Defender and all conflict counsel options have been exhausted then the Multiple Defender's Division (MDD) shall be appointed.

*Gen. Order 96-1, eff. January 10, 1996, Amend. Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

#### **17.09 APPOINTMENT OF A GUARDIAN AD LITEM (GAL)**

- (a) The Court may appoint CASA as the Guardian Ad Litem (GAL) of the child(ren) alleged to have been abused and/or neglected, pursuant to 705 ILCS 405/2-17.1 of the Juvenile Court Act, and as amended by General Order No. 23.
- (b) The Court may then appoint counsel to represent CASA, pursuant to 705 ILCS 405/2-17 of the Juvenile Court Act and said counsel as designated by the Chief Judge's

General Order in effect at the time, and further certified, pursuant to Illinois Supreme Court Rule 906.

*Amend. Gen. Order No. 23, eff. Dec.21, 1994; Gen. Order 04-01, eff. March 2, 2004; Amend. Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

### **17.10 ATTENDANCE AT HEARINGS**

- (a) Attendance at Juvenile Court hearings shall be governed by 705 ILCS 405/1-5.
- (b) Representatives of the Department of Children and Family Services, CASA, the Department of Corrections and the Probation Department who have a direct interest in the case may be admitted to court hearings and conferences unless expressly excluded by the Court.
- (c) Any other interested party may be present by leave of Court.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

## **SUB-PART B ABUSE, NEGLECT AND DEPENDENCY**

### **17.11 PRE-HEARING CONFERENCE**

- (a) The Court, at any stage of the proceeding, may convene a pre-hearing conference on its own motion or upon the request of any party.
- (b) Depending upon the circumstances of the case, the purposes of the pre-hearing conference shall include, but not be limited to:
  - 1) Review efforts to locate and serve the parties;
  - 2) Resolve any discovery disputes;
  - 3) Identify significant issues of law and fact for trial;
  - 4) Develop a list of possible witnesses and receive stipulations to uncontested facts;
  - 5) Confirm scheduling and estimate the length of trial;
  - 6) Explore resolution of the matter without trial; and
  - 7) Enter such order as the Court deems appropriate.
- (c) Each party shall have a continuing obligation to update the Court and all other parties regarding information provided during the pre-hearing conference in a timely fashion.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

### **17.12 DISCOVERY**

- (a) Discovery with leave of Court. All provisions for civil discovery set out in the Supreme Court Rules are applicable only with leave of Court for good cause shown.

- (b) Exchange of Information without leave of Court. Parties may voluntarily exchange information upon reasonable written requests for information, documents, records, list of witnesses or evidence available for inspection without leave of Court.
- (c) All attorneys and respondents shall comply with the rules of confidentiality and accessibility of juvenile court records as set forth at 705 ILCS 405/1-8.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

### **17.13 SCHEDULING**

- (a) All court dates shall be obtained by or as directed by the assigned Juvenile Court Judge, or by any Judge sitting in his or her stead.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

## **SUB-PART C DELINQUENCY**

### **17.14 SECURE CUSTODY AND DETENTION OF MINORS**

- (a) A minor determined to require secure detention pursuant to 705 ILCS 5-410(2) shall be detained in the Kane County Juvenile Justice Center unless otherwise directed by court order.
- (b) The Kane County Juvenile Justice Center is hereby designated as the place for reception of minors under 17 years of age, from Kane, Kendall and DeKalb Counties, who are detained pursuant to 705 ILCS 405/5-410 of the Juvenile Court Act.
- (c) The Kane County Juvenile Justice Center shall be under the direction and control of the Chief Judge.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

### **17.15 DISCOVERY IN DELINQUENCY PROCEEDINGS**

- (a) Discovery shall be governed by Illinois Supreme Court Rules 412 (Disclosure to Accused) and 413 (Disclosure to Prosecution).

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

### **17.16 SCHEDULING**

- (a) The setting of Detention Hearings shall be governed by 705 ILCS 405/5-415.
- (b) Detention Hearings shall be scheduled through the Circuit Clerk's Office and will be heard on the earliest available court date pursuant to 705 ILCS 405/5-415.
- (c) All court dates shall be obtained by Court Order from the Juvenile Court Judge, or by any Judge sitting in his or her stead or upon proper motion filed at the Circuit Clerk's Office, along with appropriate notice pursuant to 705 ILCS 405/5-530 .

- (d) Juvenile Drug Court shall be heard by the assigned Juvenile Court Judge or by any Judge sitting in his or her stead on the day so designated by said Juvenile Court Judge.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

## **SUB-PART D ADOPTIONS**

### **17.17 PETITIONS**

- (a) All Adoption matters shall be heard by the assigned Juvenile Court Judge.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

### **17.18 CONSENTS**

- (a) All consents to adoption shall, whenever practicable, be taken by the Juvenile Court Judge assigned to hear adoption matters.
- (b) All consents shall be taken before an official court reporter, when practicable.
- (c) The form of consent shall be pursuant to 750 ILCS 50/10 of the Adoption Act.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

### **17.19 SCHEDULING**

- (a) All court dates for adoption matters, shall be scheduled by the Family Scheduling Department at the Judicial Center or by Court Order, except as provided by (b) below.
- (b) A consent for adoption may be scheduled through the Family Scheduling Department at the Judicial Center or may be presented to the assigned Juvenile Court Judge while Court is in session.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

### **17.20 NOTIFICATIONS**

- (a) Petitioner shall notify the GAL of the order of appointment, pursuant to 750 ILCS 50/13, and further provide the GAL with copies of all pleadings and pertinent documents and records within 7 days of the entry of the order.
- (b) Petitioner shall notify any child welfare agency designated by the Court to conduct an investigation, pursuant to 750 ILCS 50/6, within 7 days of the entry of such order.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*

### **17.21 CONFIDENTIAL INTERMEDIARIES**

- (a) The appointment of a confidential intermediary shall be governed by 750 ILCS 50/18.3a.
- (b) All Petitions for Appointment of a Confidential Intermediary shall be accompanied by proof of registration with the Illinois Adoption Registry and Medical Information Exchange.
- (c) The signature on a Petition for Appointment of a Confidential Intermediary shall be certified pursuant to Section 1-109 of the Code of Civil Procedure and executed before a notary public.
- (d) If the petitioner for the appointment of a confidential intermediary cannot appear in court to present the Petition, the Petition must be accompanied by a letter or motion requesting that the appearance of the petitioner be waived.
- (e) All Petitions for Appointment of a Confidential Intermediary shall be scheduled by the Circuit Clerk's Office to the docket of the assigned Juvenile Court Judge hearing adoption matters on the next available scheduled adoption date.
- (f) The Court shall appoint a qualified confidential intermediary from a list of persons who have been certified by the Department of Children and Family Services.
- (g) Upon request, the Clerk of Court shall make available to the public information and booklets from the Confidential Intermediary Service of Illinois.

*Gen. Order 08-15, eff. Sept. 17<sup>th</sup>, 2008*