

# Kane County Local Rule

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## I. ADMINISTRATION OF THE COURT

### ARTICLE 1. GENERAL POWERS

#### 1.0 POWERS OF THE COURT TO ADOPT RULES

- A. These Local Court Rules are adopted pursuant to the Civil Practice Act [735 ILCS 5/1-104\(b\)](#) providing that the Circuit Court may make rules regulating their dockets, calendars, business, and pursuant to [Supreme Court Rule 21\(a\)](#) providing that a majority of the Circuit Judges in each Circuit may adopt rules.
- B. The Chief Judge may enter and amend Kane County General Orders pursuant to [Supreme Court Rule 21](#).

#### 1.01 GENERAL RULES

- A. These Local Court Rules as set forth shall not be interpreted in a manner that is inconsistent with any Illinois Statute or Illinois Supreme Court Rule. If there is any conflict between any requirement under these Local Rules and any Illinois Statute or Illinois Supreme Court Rule, then the Statute or Supreme Court Rule is controlling.
  - 1. **Applicability:** These Local Court Rules apply both to civil and criminal proceedings. Together with the Illinois Supreme Court Rules, the Code of Civil Procedure [735 ILCS 5/1-101 et seq.](#) and the Code of Criminal Procedure [725 ILCS 5/100-1 et seq.](#), these Rules govern all proceedings except to the extent that the procedure in a particular kind of action is specifically regulated by a statute other than as therein provided.
  - 2. **Enforcement:** The Court shall enforce all rules and orders necessary to compel compliance with these Rules and may apply remedies provided in [Supreme Court Rules 21](#) and [219](#), as well as such sanctions as passing the matter to the end of the call, striking it from the call, or continuing it to a later date.
  - 3. **Effective Date:** These Local Court Rules shall become effective upon publication, or as otherwise ordered by the Court.
- B. The following short titles shall be used throughout these rules:
  - 1. Code of Civil Procedure [735 ILCS 5/1-101 et seq.](#);
  - 2. Code of Criminal Procedure [725 ILCS 5/100-1 et seq.](#);
  - 3. Criminal Code [720 ILCS 5/1-1 et seq.](#);
  - 4. [Supreme Court Rules](#);
  - 5. Unified Code of Corrections [730 ILCS 5/1-1-1 et seq.](#)

#### 1.02 DIVISIONS OF COURT

- A. Felony and Special Court Division (CF) All Felony Cases, Drug Rehabilitation Court, Treatment Alternative Court (TAC).
- B. Traffic & Misdemeanor Division (TR and CM) All traffic, petty, misdemeanor & ordinance violation cases.
- C. Civil Division (L, LM, SC, CH, P, MR, TX, MC, AR and ED) All matters pertaining to Small Claims, Law Medium and Law cases, both jury and non-jury and pre-trials of such cases, Arbitration, Chancery cases, Probate, Miscellaneous Remedies, Tax, Municipal Corporation, Eminent Domain and Elections.

# Kane County Local Rule

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- D. Juvenile Division (J, JA, JD) All matters pertaining to Abuse and Neglect, Dependency and Delinquency, Adoptions, and all other matters under the Juvenile Court Act.
- E. Family Division (D and F) All matters pertaining to Dissolution of Marriage or Civil Union, Legal Separation, Invalidity of Marriage or Civil Union, Paternity, actions to compel support under local or foreign court orders and other related matters.
- F. Such Other Divisions as may be hereafter designated by the Chief Judge.

## 1.03 PLACE AND HOURS OF HOLDING COURT

- A. Courtrooms of the Sixteenth Judicial Circuit are housed in multiple locations. In general, the following matters are heard in the respective buildings:
  - 1. Family, Felony, Domestic Violence, Driving Under the Influence (DUI), Treatment Alternative Court, Drug Rehabilitation Court  
[Kane County Judicial Center](#)
  - 2. Juvenile Delinquency  
[Juvenile Justice Center](#)
  - 3. Traffic, Misdemeanor, Petty Offenses, Ordinance Violations  
[Kane County Branch Court](#)
  - 4. Civil, Arbitration, Chancery, Small Claims, Probate, Abuse & Neglect, Foreclosure  
[Kane County Courthouse](#)
  - 5. Traffic, Misdemeanor, Petty Offenses, Ordinance Violations  
[Aurora Branch Court](#)
  - 6. Traffic, Misdemeanor, Petty Offenses, Ordinance Violations  
[Elgin Branch Court](#)
  - 7. Mental Health Cases  
[Elgin Mental Health Center](#)  
\*Friday mornings or as otherwise scheduled
  - 8. Mental Health Cases  
[Presence St. Joseph Hospital](#)  
\*As scheduled
  - 9. Mental Health Cases  
[Presence Mercy Medical Center](#)  
\* As scheduled
- B. The facilities of the Kane County Judicial Center and Kane County Court House shall be open Monday through Friday no later than 8:30 a.m. and shall close no earlier than 4:30 p.m., except for Holiday schedule and emergency closings for the safety and well-being of court personnel and the public by Order entered by the Chief Judge.
- C. Other court facilities shall remain open during scheduled hours while court is in session as set out from time to time by General Orders of assignment.

## 1.04 GUIDELINES FOR COURT PERSONNEL IN ASSISTING SELF-REPRESENTED LITIGANTS

The Sixteenth Judicial Circuit adopts and follows the [Illinois Supreme Court Policy on Assistance to Court Patrons by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers](#).

## 1.05 SELECTION OF A CHIEF JUDGE

## Kane County Local Rule

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- A. Effective May 22, 2023 a majority of the Circuit Judges shall select, by secret ballot and pursuant to [Article VI, Section 7\(c\) of the Illinois Constitution](#), one of their members to serve as Chief Judge for a three-year term commencing the first Monday in December, 2023. This selection shall take place at a time designated by the Chief Judge prior to the first Monday in December 2023. Thereafter, a Chief Judge shall be selected for three-year terms in like manner in September of the year the term is to begin. The term will commence the first Monday in December, and every three (3) years thereafter. In no event shall a Circuit Judge serve consecutive three-year terms. Although a Circuit Judge may serve more than one three (3) year term, said terms of service as Chief Judge shall not be consecutive.
1. **Acting Chief Judge:** The Chief Judge shall appoint one of the Circuit Judges to act as Chief Judge in his or her absence, which shall have the same powers and duties as the Chief Judge. In the event the acting Chief Judge is also unavailable, the most Senior Circuit Judge on the premises shall act as Chief Judge.
  2. **Removal:** At any time by written request directed to the Chief Judge, a majority of the Circuit Judges may call a meeting at a time and place stated therein. A copy of such request shall be mailed or delivered to each Circuit Judge not joining therein at least five (5) days before the time fixed for such meeting. If a majority of all the Judges shall at such meeting vote for removal of the Chief Judge, the Judges shall proceed immediately to elect a new Chief Judge to take office at once.
  3. **Vacancy:** Whenever a vacancy occurs in the office of the Chief Judge, any two (2) Circuit Judges may call a meeting of the Circuit Judges to select a Circuit Judge to fill such vacancy to take office at once in the same manner as in paragraph A. The newly seated Chief Judge may, if eligible, be a candidate for Chief Judge at the end of the previous Chief Judge term.
- B. When a vacancy arises in the office of the Chief Judge by virtue of the resignation, death or removal of a Chief Judge the election or selection called for in paragraphs (A)(2) and (A)(3) herein shall be for the balance of the elected term of the Chief Judge who has resigned, died, or has been removed.

### 1.06 AUTHORITY OF THE CHIEF JUDGE

- A. The Chief Judge may enter any General Orders in the exercise of his or her general administrative authority, including but not limited to orders providing for the assignment of Judges, general or specialized divisions, and time and places of holding Court, as provided by applicable statutes Supreme Court Rules or Local Court Rules. The Chief Judge may appoint personnel to assist him/her in the performance of his/her duties.
- B. The Chief Judge may, from time to time, as he or she deems appropriate, issue General Orders in accordance with [Supreme Court Rule 21\(b\)](#).
- C. Copies of all General Orders issued by the Chief Judge shall be filed with the Circuit Clerk, who shall maintain them as permanent Court records. All General Orders shall be available for inspection as public records.

### 1.07 PROCEDURE FOR SELECTION OF THE OFFICE OF ASSOCIATE JUDGE

Selection of an Associate Judge is governed by statute, Supreme Court Rule 39, and Local Rule 1.07. In addition thereto, the Circuit Judges of the Sixteenth Judicial Circuit hereby adopt the following procedure to supplement those rules and statutes currently in

## Kane County Local Rule

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effect. This procedure is subject to change by a majority vote of the Circuit Judges at any time.

### A. Nominating Committee

All Circuit Judges of the Sixteenth Judicial Circuit constitute the Nominating Committee.

### B. Interview Committee

1. Following the posting of a Notice of Vacancy in the Office of Associate Judge, the Chief Judge shall appoint an Interview Committee for the purpose of review of certified applicants and report back to the Nominating Committee regarding the applicants for that particular vacancy.
2. The Chief Judge shall select five (5) Circuit Judges to serve on the Interview Committee, which Committee shall expire upon the submission of the Nomination List to the Chief Judge.
3. The Chief Judge shall designate one of that number to serve as Chairperson.
4. The Chief Judge shall not serve on the Interview Committee.
5. Each qualified applicant, except those who have previously interviewed within the last twenty-four (24) months, will be scheduled for one interview with the Interview Committee.
6. Interviews of the applicants shall be open to any Circuit Judge, and shall be videotaped for available review by any Circuit Judge. Video interviews of qualified candidates who have previously interviewed within the last twenty-four (24) months will be made available for review by the Interview Committee.
7. The Office of the Chief Judge shall provide the certified applications and all other materials received by the Office of the Chief Judge with respect to each qualified applicant to the Interview Committee. All materials forwarded to the Interview Committee shall be available for review by the Nominating Committee upon request.
8. The Interview Committee shall review all available information, applications, other papers and documents submitted, and may conduct any further review deemed necessary into the qualifications of the applicants.
9. The Interview Committee shall report back to the Nominating Committee regarding the qualifications of the certified applicants in a manner as determined by the Circuit Judges
10. The Interview Committee shall recommend a list of six (6) qualified applicants (List) that the Interview Committee considers best qualified to be appointed to the current vacancy for the office of Associate Judge. If there is more than one (1) Associate Judge vacancy, the Interview Committee may recommend two additional names for consideration for each additional existing vacancy.
11. The Interview Committee shall prepare, as to each recommended candidate, a summary stating the reasons for its recommendations (Summary).
12. If time permits, the List and Summary shall be completed no later than twenty-eight (28) days after the close of applications, or three (3) business days prior to the Nominating Committee Meeting, whichever comes first.
13. The Interview Committee Chairperson shall deliver the List and Summary upon completion directly to the Chief Judge and no other person, and the Chief Judge shall then distribute the List and Summary to all of the Circuit Judges in writing within twenty-four (24) hours of receipt.

## Kane County Local Rule

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### C. Associate Judge Poll

1. The Chief Judge may direct one of the Associate Judges to poll the Associate Judges on the certified applicants.
2. Within fourteen (14) days after the close of applications, or earlier as directed by the Chief Judge, the results of the Associate Judge Poll shall be returned to the Chief Judge indicating as to each applicant whether he/she is recommended, not recommended or qualifications unknown.
3. The results of the Associate Judge Poll shall be provided to the Interview Committee for use in its deliberative process if time permits, and shall be provided to the Nominating Committee before its final vote.

### D. Nominating Committee Meeting

1. The Chief Judge shall set the date for the meeting of the Nominating Committee to select the final candidates.
2. The Interview Committee shall report on the certified applicants at the meeting of the Nominating Committee.
3. The List from the Interview Committee shall constitute the starting Nomination List for the Nominating Committee. Any Circuit Judge may nominate additional candidates for the Nomination List who were not included on the List of the Interviewing Committee. If that additional candidate receives at least three (3) votes by secret ballot, that name shall be added to the Nomination List.”
4. The Circuit Judges shall, by secret ballot, reduce the number of candidates to the required number for consideration pursuant to [Supreme Court Rule 39](#).
5. As soon as practicable thereafter, the Chief Judge shall first notify the final qualified candidates selected by the Nominating Committee, and then the Director of the Administrative Office of the Illinois Courts as required by Rule, followed by public announcement thereof.
6. If, due to extraordinary circumstances, any Circuit Judge is unavailable to attend the meeting of the Nominating Committee to select the Final Candidates, at the request of the absent Circuit Judge, and with approval of a majority of the Circuit Judges present, reasonable efforts will be made to accommodate that Circuit Judge to attend remotely by an audio and/or audio and visual presence. When a Circuit Judge attends remotely in such manner, that Circuit Judge may then vote under seal of confidentiality with the assistance of another Circuit Judge of his or her choice. Proxy voting without any remote audio attendance, or under any other circumstances, is strictly prohibited.

### E. Single Associate Judge Vacancy

1. Upon further discussion, the Nominating Committee shall reduce the Nomination List to six (6) candidates, which six candidates shall constitute the Preliminary Nomination list, as follows: Each Judge may vote for up to six (6) candidates from the Nomination List, and the six (6) candidates receiving the six (6) highest vote totals shall constitute the Preliminary Nomination List. Any ballot that contains more than six (6) names, or any name which did not appear on the Nomination List, shall be disqualified.
2. Upon further discussion, the Nominating Committee shall reduce the Preliminary Nomination List to four (4) candidates, which four (4) candidates shall constitute the Intermediate Nomination List, as follows: Each Judge may vote for up to four (4)

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## Kane County Local Rule

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- candidates from the Preliminary Nomination List, and the four (4) candidates receiving the four (4) highest vote totals shall constitute the Intermediate Nomination List. Any ballot that contains more than four (4) names, or any name which did not appear on the Preliminary Nomination List, shall be disqualified.
3. Upon further discussion, the Nominating Committee shall reduce the Intermediate Nomination List to two (2) candidates, which two (2) candidates shall constitute the Final Ballot List, as follows: Each Judge may vote for up to two (2) candidates from the Intermediate Nomination List, and the two (2) candidates receiving the two (2) highest vote totals shall constitute the Final Ballot List. Any ballot that contains more than two (2) names, or any name which did not appear on the Intermediate Nomination List, shall be disqualified.
- F. Multiple Associate Judge Vacancy  
When multiple Associate Judge Vacancies exist for the same ballot, the above procedure for Single Associate judge Vacancy shall be followed, except two (2) additional candidates shall be added to each List step for each additional vacancy to be filled.
- G. CONFIDENTIALITY  
Except for the names of the final required number of qualified candidates selected by the Nominating Committee, all proceedings of the Interview and Nominating Committees, including, but not limited to, applications and documents received, discussions, nominations, lists, summaries, and balloting, shall be held in strict and absolute confidence by the Circuit Judges, and shall not be disclosed to any person except another Circuit Judge of the Sixteenth Judicial Circuit.

### **1.08 AUTHORITY OF PRESIDING JUDGES**

Each Presiding Judge of the various divisions of the Court shall be accountable for the effective and efficient administration of the division over which they preside subject to the General Orders of the Circuit and the authority of the Chief Judge.

### **1.09 JUDGES MEETINGS**

The Judges of the Sixteenth Judicial Circuit shall meet as often as practicable. Circuit Judges shall meet no less than twice per year to consider business of this Court and to take such action as required. The place and circumstances shall be announced in advance by the Chief Judge. A special meeting of the Circuit Judges may be called at any time by the Chief Judge or upon two (2) day notice by any two (2) Circuit Judges by notice delivered to all Circuit Judges. A proposed rule, order or change in procedure or policy must be submitted in writing to all Circuit Judges at least one week prior to the proposed change being moved and/or brought to a vote.

### **1.10 ASSIGNMENT OF CASES**

- A. All cases shall be assigned by the Chief Judge.
- B. Cases shall be randomly assigned, by classification in accordance with the Supreme Court Manual on Record Keeping, to a Judge who regularly hears cases of that classification, unless otherwise ordered by the Chief Judge or the Presiding Judge of the Division.
- C. The assignment of cases and judges to the various divisions of the Circuit Court shall be governed by General Order.

# Kane County Local Rule

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## **1.11 PHOTOGRAPHING, RECORDING, BROADCASTING, OR TELEVISIONING COURTROOM PROCEEDINGS IN OR NEAR COURTROOMS**

- A. Except as otherwise provided, the taking of photographs, audio or video recordings or broadcasting by radio, television or other electronic means, in connection with any judicial proceeding, is prohibited, whether in any courtroom or from the same floor of any courthouse of this Circuit on which a courtroom is located, or at any remote location during a teleconference proceeding.
- B. The provisions of this Rule 1.11 shall apply with regard to all judicial proceedings, except that:
  - 1. Official court reporters or privately retained court reporters authorized by the Court to transcribe the proceedings may make audio recordings in the performance of their regular duties;
  - 2. Incidental to ceremonial proceedings, any judge of this Circuit may, at his or her discretion, permit the taking of photographs, audio or video recordings, and broadcasting by radio or television, within the area of his or her courtroom, chambers, or court offices.
- C. The purpose of this order is to implement the provisions of the Supreme Court Rules and for the orderly administration of justice. This Rule 1.11 shall not be applied in such a way as to conflict with any Supreme Court Rule.

## **1.12 EXTENDED MEDIA COVERAGE**

- A. This local rule shall be construed consistently so as to not conflict with Illinois [Supreme Court M.R. 2634](#), or Sixteenth Judicial Circuit Local Rule 1.11 PHOTOGRAPHING, RECORDING, BROADCASTING, OR TELEVISIONING COURTROOM PROCEEDINGS IN OR NEAR COURTROOMS.
- B. Extended Media Coverage shall be subject, at all times, to the authority of the Judge presiding at the proceeding.
- C. Extended media coverage shall not be distracting or interfere with the solemnity, decorum and dignity of the court making decisions that affect the life, liberty or property of citizens.
- D. Nothing in this rule shall limit or restrict power, authority or responsibility otherwise invested in the Chief Judge, and the Judge presiding over the case to:
  - 1. Control the conduct of the proceedings;
  - 2. Maintain decorum and prevent distractions;
  - 3. Guarantee the safety of the courtroom, including any party, witness, or juror, and/or
  - 4. Ensure the fair and impartial administration of justice in the pending case.
- E. Definitions
  - 1. **“Extended media coverage”** means any media recording or broadcasting of proceedings by the use of television, radio, photographic, or recording equipment for the purpose of gathering and disseminating news to the public.
  - 2. **“News Media”** in general, means established news gathering and reporting agencies and their representatives whose function is to inform the public.
  - 3. **“Judge”** means the circuit or associate judge presiding in a trial court proceeding.
  - 4. **“Chief Judge”** means the chief judge of the circuit.

## Kane County Local Rule

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5. **“Judicial proceedings” or “proceedings”** includes all public trials, hearings or other proceedings of a trial court when extended media coverage is requested, except those specifically excluded by these provisions.
6. **“Media Coordinator”** means a member of the News Media who has requested extended media coverage, or in the case of more than one media person requesting extended media coverage, a representative chosen by all of the media requesting extended media coverage and approved by the judge. The Media Coordinator shall work with the Chief Judge and the Judge, or with their designee, in a court proceeding with extended coverage. In the event a Media Coordinator is not available for a particular proceeding, the judge may deny extended media coverage or may appoint an individual from among local working representatives of the media to serve as the coordinator for the media in the proceeding.
7. **“Court Media Liaison”** is the Court Administrator or a designee of the Court Administrator approved by the Chief Judge. The Court Media Liaison shall work with the Media Coordinator on all matters pertaining to extended media coverage.
8. General
  - a. Broadcasting, television, recording, photographing and otherwise memorializing information may be permitted in the courtroom during sessions of the court, under the following conditions:
    - (1) Permission first shall have been granted by the Judge, who may prescribe such conditions of coverage as provided for in this policy. The Chief Judge shall have discretion to deny all extended media coverage.
    - (2) In prosecution for sexual abuse, or when sexual abuse is an essential element of a proceeding there shall be no extended media coverage of the testimony of a victim unless the testifying victim consents. Further, an objection to coverage by a testifying victim in any other forcible felony prosecution, and by police informants, undercover agents(s), and relocated witnesses shall be presumed valid. This list is not exclusive. The Judge shall exercise broad discretion in deciding whether there is cause for prohibition.
  - b. The Judge may appoint a Guardian *ad Litem* to secure the protection of the interests of a minor or a disabled adult.
  - c. Extended media coverage is prohibited in any court proceeding required, under Illinois law to be held in private. No coverage shall be permitted in any juvenile, dissolution, adoption, child custody, evidence suppression or trade secret cases.
  - d. Extended media coverage of jury selection is prohibited. Extended media coverage of the jury and individual jurors is prohibited.
  - e. There shall be no audio, visual or internet, pick up or broadcast or recording of a conference in a court proceeding or in a court facility between attorneys and their clients, between co-counsel, between attorneys and opposing counsel, or attorneys and the Judge.
  - f. Audio, internet or visual equipment authorized by these provisions shall not be operated during a recess in a court proceeding.
  - g. The quantity and type of equipment permitted in the courtroom shall be subject to the discretion of the Judge.
  - h. Upon application of the media, the Judge may permit the use of equipment or techniques at variance with provisions in this policy, provided the variance



## Kane County Local Rule

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request is included in the Request for Extended Media Coverage provided for in 9b. Ruling upon a variance application shall be at the sole discretion of the Judge. Variances may be allowed by the Judge without advance application or notice if all counsel and parties consent to it.

- i. The Judge may refuse, limit, amend or terminate photographic or electronic media coverage at any time during the proceedings in the event the Judge finds that provisions established under this policy, or additional rules imposed by the Judge have been violated or that substantial rights of individual participants or rights to a fair trial will be prejudiced by the manner of coverage, if it is allowed to continue; or if it is necessary to guarantee the safety of the courtroom, including any party, witness, juror or attendee of the proceeding.
  - j. Members of the News Media must abide by all Sixteenth Judicial Circuit Local Court Rules regarding filming and photography outside the courtroom, but still within the courthouse, including but not limited to Local Rules 1.11 and 1.12. The News Media is not permitted to film/photograph/record any person present for any grand jury proceeding. Coverage is only allowed during proceedings taking place inside the courtroom, in the presence of the Judge.
  - k. The rights of extended media coverage may be exercised only by the News Media.
  - l. A decision by a Judge to deny, limit or terminate extended media coverage is not appealable.
  - m. A Judge may authorize extended media coverage of ceremonial proceedings at variance with provisions in this rule as the Judge sees fit.
9. Procedures
- a. Requests for Extended Media Coverage. Requests for extended media coverage shall be filed with the Clerk of the Circuit Court by any News Media who requests coverage. Filing must occur at least fourteen (14) days before the proceeding for which extended media coverage is sought, unless extended or reduced by court order. When the proceeding is not scheduled at least fourteen (14) days in advance, filing must occur as soon as practicable after the proceeding is scheduled. Requests shall be filed using a form Request for Extended Media Coverage as designated hereafter by General Order.
  - b. Notice of Request. Using a form [Notice of Filing of Request for Extended Media Coverage](#) as designated hereafter by General Order, the News Media which requests coverage or, if more than one request is filed, the Media Coordinator shall provide written notice of filing and a copy of the Request(s) for Extended Media Coverage to the following persons:
    - (1) Attorneys of Record;
    - (2) Parties appearing without counsel;
    - (3) Court Media Liaison;
    - (4) Judge presiding over the case for which extended media coverage is sought;
    - (5) The form [Notice of Filing of Request for Extended Media Coverage and Request for Extended Media Coverage](#) shall be transmitted no later than 4:30 p.m. the first business day following filing to the above named parties. Failure to provide notice to all counsel of record and to parties appearing

## Kane County Local Rule

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without counsel may result in denial of the request for extended media coverage. Upon receipt of notice, the Judge shall inform the Chief Judge.

- c. **Objections by Parties.** Any party objecting to extended media coverage shall file with the Clerk of the Court a written objection stating the reasons therefor at least three (3) days before the commencement of the proceeding, unless such time is otherwise extended or reduced by the Judge. Objections shall be filed using a form [Objection to Extended Media Coverage](#) as designated hereafter by General Order.
- d. **Objections by Witnesses.** Parties shall notify any witness they are intending to call at trial or hearing of the witness's right to object to extended media coverage. Parties shall use a form [Notice of Filing of Request for Extended Media Coverage](#) as designated hereafter by General Order, and must file a copy with proof of service thereof with the Clerk of the Court. Objections by a witness must be filed prior to the commencement of the proceeding using a form [Objection to Extended Media Coverage](#) as designated hereafter by General Order.
- e. **Notice of Objections**
  - (1) Parties and witnesses represented by counsel shall serve any objections on the persons listed in paragraph (g)(2) and to the Media Coordinator or News Media.
  - (2) Upon the filing of an objection by a party or witness not represented by counsel, the Clerk of the Circuit Court shall provide a copy of any such objection filed to the persons listed in paragraph (g)(2), and to the Court Media Liaison, who shall then forward a copy to the Media Coordinator or News Media.
  - (3) Notice of Objection shall be transmitted to the Judge and the Court Media Liaison on the date of filing, and to the other persons listed in (g)(2) no later than 4:30 p.m. on the first business day following the filing of the Objection. Time for filing of objections may be extended or reduced at the discretion of the Judge.
  - (4) The Judge, in appropriate circumstances, may extend the right of objection to persons not specifically provided for in this rule.
- f. **Disposition of Requests.**
  - (1) After the time for objections has elapsed, the Judge shall make a determination as to whether the Request should be granted and/or whether any Objection thereto should be sustained, and, if so, to what extent. All timely Requests and/or Objections shall be heard and determined by the Judge prior to the commencement of the proceedings. The Judge may rule on the basis of the written request or objection alone.
  - (2) In addition, the objecting party or witness, and all other parties, may be afforded an opportunity to present additional evidence by affidavit or by other means as the Judge directs. The Judge may permit presentation of evidence by the Media Coordinator in the same manner.
  - (3) If granted, the duration of the permitted Extended Media Request is within the Court's discretion, except that every party added or additional witness

## Kane County Local Rule

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disclosed after such an order is granted must receive notice and have an opportunity to file an objection in the matter set out herein.

- (4) The Judge may use the form of order as designated by General Order in ruling on the request.

### 10. Technical

- a. Equipment specifications. Equipment to be used in courtrooms during judicial proceedings must be unobtrusive and must not produce distracting sound, light or other sensory distraction. In addition, equipment must satisfy the following criteria, where applicable:
  - (1) Still cameras. Still cameras and lenses must be unobtrusive without distracting light or sound.
  - (2) Television or video devices and related equipment. Television cameras or other video devices together with any related equipment to be located in the courtroom must be unobtrusive in both size and appearance, without distracting sound or light.
  - (3) Audio equipment. Microphones, wiring and audio recording equipment shall be unobtrusive and shall be of adequate technical quality to prevent interference with the covered judicial proceedings. Any changes in existing audio systems must be approved by the Judge. Microphones for use of counsel and judges shall be equipped with power switches to facilitate compliance with subsections herein.
  - (4) Visual or Audio signal. No light or signal which is visible or audible to participants in the proceeding shall be used on any equipment during extended coverage to indicate whether it is operating.
  - (5) Advance approval. It shall be the duty of the media personnel to demonstrate to the Judge reasonably in advance of the proceeding that the equipment sought to be used meets the criteria set forth in this section. Failure to obtain advance judicial approval for equipment may preclude its use in the proceeding. All media equipment and personnel shall be in place at least fifteen minutes prior to the scheduled time of commencement of the proceeding.
  - (6) Expense. The cost of any equipment or set up under these guidelines will not be incurred at public expense.
  - (7) Lighting. Other than light sources already existing in the courtroom, no flashbulbs or other artificial light device of any kind shall be employed in the courtroom. With the approval of the Judge, however, modifications may be made in light sources existing in the courtroom, provided modifications are installed and maintained without public expense.
- b. Pooling and Equipment. The following limitations on the number of photographic and broadcast media personnel in the courtroom and the amount of equipment shall apply:
  - (1) Still Photography. Not more than two (2) still photographers, each using not more than two (2) camera bodies and two (2) lenses, shall be permitted in the courtroom during a judicial proceeding at any one time.
  - (2) Television. Not more than two (2) television cameras, each operated by not more than one camera person, shall be permitted in the courtroom during a

## Kane County Local Rule

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- proceeding. Other than the television cameras, recording and broadcast equipment shall be located outside of the courtroom.
- (3) Audio. Only one audio system for broadcast shall be permitted in a proceeding. Where possible, audio for all media shall be from any existing audio system present in the courtroom. If no technically suitable audio system exists, microphones, wiring and recording equipment shall be furnished and temporarily installed by the News Media without public expense, shall not interfere with the sound quality of any existing courtroom audio system, shall be operated by one person, shall have a means of immediately disabling the system (a/k/a “kill switch”) by the Judge and shall be located in places designated in advance by the Judge or designee. When possible, electronic audio recording equipment and any operating personnel shall be located out of the courtroom. Sufficient video and audio tape capacities should be provided to obviate the need to make changed except during court recess.
- (4) Pooling. The media are encouraged to pool equipment and personnel. Where the limitations on equipment and personnel under these provisions make it necessary, the media shall be required to pool equipment and personnel. Pooling arrangements shall be the sole responsibility of the Media Coordinator. No judicial officer or court personnel shall mediate disputes. Priority consideration shall be extended to one of the two television cameras to televise an entire proceeding from beginning to end. In the absence of agreement or in the event of unresolved disputes relating to pooling arrangements, the kind of extended coverage sought shall be prohibited and excluded from the proceeding.
- (5) Clothing and Equipment. No equipment or clothing on any Extended Media Coverage personnel shall bear any insignia or identification of the individual medium or network involved in extended coverage.
- c. Location of equipment and personnel. Equipment and operating personnel shall be located in, and coverage of the proceedings shall take place from, an area or areas designated by the Judge. The area or areas designated shall provide reasonable access to the proceeding to be covered. No equipment or personnel involved in extended media coverage shall impede pedestrian traffic movement into, or from the courthouse, including but not limited to courthouse corridors and courtroom entrances and exits.
- (1) Television, video, and still photography. Camera equipment should be set up outside the courtroom rail, or if there is no rail, then in the area reserved for spectators. The Court Media Liaison will direct media to their assigned spots.
- (2) Equipment and operators. Shall not impede the view of persons seated in the public area of the courtroom.
- d. Movement during the proceedings. Television cameras and audio equipment may only be installed before proceedings begin or removed from the courtroom only when the court is not in session. In addition, such equipment shall at all times be operated from a fixed position. Changing film or lenses is only allowed during recesses. Still photographers and broadcast media personnel shall not move about the courtroom while proceedings are in session, nor shall they engage in any movement attracting undue attention. Still photographers shall not assume body

## Kane County Local Rule

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positions inappropriate for the courtroom. Even if hand held cameras are used, the operator must remain in his/her assigned spot.

- e. Equipment Storage. Equipment shall not be stored in the courthouse overnight, over a holiday or weekend. Equipment left in place overnight, including wiring and electrical, is left at the sole risk of the media. The Sixteenth Judicial Circuit assumes no liability for the protection of such property.

### 11. Other Provisions

- a. Restrictions and prohibitions. The following restrictions and prohibition shall be applicable to all proceedings.
  - (1) Audio or visual equipment authorized by this rule shall not be operated during a recess in a court proceeding.
  - (2) Focusing on and photographing of materials on counsel tables is prohibited.
  - (3) Use of parabolic or other highly sensitive long range microphones is prohibited.
- b. Expenses. No court facility may be altered, unless approved in advance by the Chief Judge. Expenses for alterations shall be borne by the News Media.
- c. Decorum. Proceedings in the courtroom shall not be disrupted. Members of the News Media in the courtroom shall:
  - (1) Not make comments in the courtroom during the court proceedings;
  - (2) Not comment to or within the hearing of the jury or any member thereof at any time before the jury is dismissed;
  - (3) Not conduct interviews in the courtroom;
  - (4) Comply with the orders and directives of the Judge, his or her designees and Court Security; and
  - (5) Be properly attired and maintain proper courtroom decorum at all times when covering a judicial proceeding. The Judge has discretion to determine proper attire and courtroom decorum.

At the conclusion of the proceedings and after the Judge leaves the courtroom, all News Media will leave the courtroom and may assemble only in designated areas to meet with the parties, families and their attorneys if the parties, families and attorneys wish to be interviewed or comment to the media.

- d. Inapplicability to individuals; use of material of advertising prohibited. The privileges granted by this rule to photograph, televise and record court proceedings may be exercised only by persons or organizations that are part of established News Media as defined in e(2) herein. Film, videotapes, photography and audio reproduction shall not be used for advertising purposes.
- e. Access to the Building. Court security policies require all persons and equipment entering the courthouse to pass through screening. News Media will not be permitted to bypass screening and should allow sufficient time to get through the screening in advance of the commencement of proceedings.
- f. Media Disputes. It shall be the responsibility of the media to settle disputes among media representatives, facilitate pooling where necessary, and implement procedures which meet the approval of the Judge of the particular proceeding prior to any coverage and without disruption to the court.

## Kane County Local Rule

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- g. Non-exclusivity. These guidelines shall not preclude coverage of any judicial proceeding by news reporters or other person who are employing only the means of taking notes or drawing pictures if permitted by the Judge.
  - h. Sanctions. In addition to contempt and any other sanctions allowed by law, the Chief Judge or Judge may remove anyone violating these rules from the courtroom and revoke the privileges contained in this rule.
  - i. Professional Conduct. Nothing herein shall alter the obligation of any attorney to comply with the provisions of the Illinois Rules of Professional Conduct governing trial publicity.
  - j. Revocation of Permission. If any News Media fails to comply with the conditions set by the Chief Judge, Judge, Court Media Liaison or this rule, permission to broadcast or photograph the trial or hearing may be revoked.
12. Jury Admonishment and Instruction
- a. Jury Admonishment. The judge shall give the following admonishment to the jury at the commencement of any criminal or civil trial with an approved request for extended media coverage:
    - (1) In this case, I have approved a request to allow the News Media to film and photograph the proceedings. This is permitted by the Illinois Supreme Court and is subject to numerous restrictions contained in the Policy for Extended Media Coverage in the Circuit Courts of Illinois.
    - (2) The policy in place regarding cameras in the courtroom is very strict and the court closely monitors every policy provision. In general, the policy permits the News Media to film and photograph the courtroom setting, the participants in the trial, and any persons who might be in the audience. The policy does not permit the News Media to film or photograph any of you as jurors or the jury panel as a whole in the courtroom and outside the courtroom.
    - (3) The presence of cameras does not make this case more important than any other. All trials are equally important to the court and the involved parties. You should not draw any inferences or conclusions from the fact that cameras are present at this particular trial.
    - (4) The News Media is generally able to choose which portion or portion(s) of the trial they wish to attend. Therefore, their attendance may be periodic from day-to-day. Also, for legal reasons, the News Media may not be permitted to film and photograph certain witnesses. You are not to concern yourself with why certain witnesses are filmed and photographed and others are not.
    - (5) Whether a particular witness is filmed or photographed is not any indication as to the value of, or weight to be given to, that witness's testimony.
    - (6) You should ignore the presence of any cameras. If you find at any time that you are distracted or unable to concentrate because of the cameras, please notify me immediately.
  - b. Jury Instruction. The judge shall give the following instruction to the jury when News Media was present at any portion of a criminal or civil trial:
    - (1) In this case, the News Media was permitted to film and photograph the proceedings pursuant to the [Illinois Supreme Court Policy for Extended Media Coverage in the Circuit Courts of Illinois](#).

## Kane County Local Rule

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- (2) In your deliberation, you should not draw any inferences or conclusions from the fact that cameras were present at this particular trial. Nor should you concern yourself with why certain witnesses were filmed and photographed and others were not. Whether a particular witness was filmed or photographed is not any indication as to the value of, or weight to be given to, that witness's testimony.

### 1.13 JUDICIAL REVIEW OF LOCAL ELECTORAL BOARD ELECTIONS

- A. Whenever the [Kane County Board of Elections](#) or the [Aurora Election Commission](#) is charged with the responsibility for printing ballots, providing election materials, or providing for absentee voting in any federal, state, or local election, it shall be a necessary party to any proceeding for judicial review of decision of electoral boards pertaining to such elections.
- B. The Petitioner in any proceeding which falls under (a) of this Rule shall serve upon the [Kane County Board of Elections](#) or the [Aurora Election Commission](#), written notice of the filing of any such proceeding within twenty-four (24) hours of the filing of the petition.

### 1.14 SELECTION OF THE PUBLIC DEFENDER

- A. Selection and appointment of the Public Defender shall be pursuant to [55 ILCS 5/3-4000 et seq.](#) and as provided within these rules.
- B. A majority of the Circuit Judges shall, by secret ballot, appoint properly qualified persons to the [Office of Public Defender](#).
- C. The Public Defender so appointed shall hold office so long as properly qualified, death or resignation not intervening, at the pleasure of the judges competent to so appoint.
- D. Commencing in 2011 and every four (4) years thereafter, said appointments shall be reviewed by the judges competent to so appoint no less than sixty (60) days before June 30<sup>th</sup> of the year in question.

### 1.15 COURT REPORTING SERVICES

- A. Employees
1. The number of court reporter employees designated to serve the Circuit shall be determined by Court Reporting Services.
  2. The Chief Judge shall appoint employees to vacant court reporter positions, consistent with [Supreme Court Rule 46](#) and the [Administrative Regulations for Court Reporting Services in the Illinois Courts](#) of July 1, 2021, as amended. Said employees shall serve at the pleasure of the Chief Judge.
  3. The Chief Judge, or the Court Reporting Services Supervisor under the direction of the Chief Judge, shall assign all such court employees to their duties, consistent with [Supreme Court Rule 46](#), the [Administrative Regulations for Court Reporting Services in the Illinois Courts](#) of July 1, 2021, and general administrative powers.
- B. Electronic Recording
1. Electronic recording systems are installed and in use in several courtrooms in this Circuit located in the Kane County Courthouse (100 South 3<sup>rd</sup> Street, Geneva, Illinois) and the Kane County Judicial Center (37W777 IL Rte. 38, St. Charles, Illinois).

## Kane County Local Rule

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2. Court Reporting Services employees shall be the only persons trained, assigned to operate, and produce transcripts from the electronic recording system.
3. All digital recordings, court reporter notes, and related storage media are the property of the Circuit Court of the 16<sup>th</sup> Judicial Circuit and will be stored as such.
4. Any spoken words in the courtroom that are not part of a court proceeding are not intended recordings and may not be used or played back in any way except in the following instances:
  - a. During the court proceeding at the direction of the judge presiding over the matter;
  - b. By a Court Reporting Services employee for the purpose of preparing a transcript of the official record;
  - c. At the direction of the Presiding Judge.
  - d. In all other instances, the contents of the electronic recordings shall be disseminated by transcript only.

### C. Transcripts

1. A request for a transcript may be obtained by calling the Court Reporter Supervisor within the Office of the Chief Judge or submitting completed [Transcript Request form](#).
2. All transcripts generated, whether from stenographic notes or electronic recording, shall be prepared and certified by qualified official Court Reporting Services employees pursuant to relevant statute, regulation, and rule.
3. Unless specifically authorized by court order to the contrary, only a transcript certified by one of the official Court Reporting Services employees of this Circuit is the official record. A transcript prepared by a court-authorized freelance court reporter shall be considered the Official Record upon approval of the court. The official record shall be given preference for use in all courtrooms and as a part of the record on appeal for any case from this Circuit.

## 1.16 PORTABLE ELECTRONIC DEVICES, CELL PHONES, MOBILE PHONES, SMARTPHONES, AND OTHER ELECTRONIC DEVICES

In compliance with the [Illinois Supreme Court policy on Portable Electronic Devices](#) effective January 2022, and to encourage and support equal access to the courts by self-represented litigants and the public, the Sixteenth Judicial Circuit (Kane County) adopts and supports this Supreme Court policy through this local court rule.

### A. Purpose and Scope:

1. The purpose of this local court rule is to provide information to the public regarding the permitted and prohibited uses of portable electronic devices in the Sixteenth Judicial Circuit courthouses. Any authorized use of a portable electronic device under this local rule is subject to the authority of the judge presiding over a matter to terminate activity that is disruptive or distracting to a court proceeding, or that is otherwise contrary to the administration of justice.
2. Cameras, video cameras, video recording equipment and recording devices not classified as portable electronic devices are not allowed in the courthouses, unless permitted by the Chief Judge, and on such conditions as ordered, for ceremonial events such as marriages, investitures, and graduations in problem-solving courts or as outlined in the [Policy for Extended Media Coverage in the Circuit Courts of Illinois](#) and [Illinois Supreme Court Rule 44](#) and [Local Court Rules 1.11 and 1.12](#).



## Kane County Local Rule

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### B. Definitions:

1. “Portable Electronic Devices” are mobile devices capable of electronically storing, accessing, or transmitting information and are defined to include personal computers, tablet computers, mobile telephones (including cell phones, smartphones and any form of telephone with camera, audio and video recording and transmission capabilities), electronic calendars, e-book readers, smartwatches, or similar devices.
2. “Court visitor” means any individual present at a Kane County courthouse.
3. “Courthouse” includes all areas within the exterior walls of a court building, or if the court does not occupy the entire building, that portion of the building used for the administration and operation of the court. A “courthouse” also includes areas outside of a court building where a judge conducts an event concerning a court case.
4. “Courtroom” includes the portion of a courthouse in which the actual proceedings take place.

### C. Uses of Portable Electronic Devices in Common Areas of Courthouses:

All court visitors may use portable electronic devices in the common areas of the courthouse, such as lobbies, and hallways. No telephone conversation may be used on speakerphone. Court visitors must speak at an appropriate volume, and no music or other sounds may be played in the courthouses so as to minimize disruption of others. All portable electronic devices must be placed in “silent” mode at all times within the courthouses.

### D. Uses of Portable Electronic Devices in Courtrooms:

Case participants including lawyers, parties (including self-represented litigants), and witnesses may use a portable electronic device inside a courtroom to check calendars or present case-related information. All other uses of portable electronic devices inside courtrooms are prohibited, unless authorized by the judge presiding in the courtroom. All portable electronic devices must remain in “silent” mode at all times in courtrooms.

### E. Uses of Portable Electronic Devices by Court Security:

Court Security and Sheriff’s Deputies may use portable electronic devices or a communication system as required in the course of their official duties in the courtroom at all times, including while court is in session.

### F. Uses of Portable Electronic Devices by Disabled Persons:

Disabled persons, as defined by the Americans with Disabilities Act, whose disabilities necessitate the use of any of the above-named devices to communicate, are exempt from the requirements of this order as to the specific communication device required.

### G. Prohibited uses of Portable Electronic Devices in Common Area and Courtrooms:

The taking of photographs, audio, and video recordings are prohibited without prior approval of a judge or as governed by [Illinois Supreme Court Rule 44](#), and [Local Court Rules 1.11 and 1.12](#). No court visitor may use a portable electronic device to communicate or attempt to communicate with any potential juror or juror at any time. No court visitor may use a portable electronic device to harass, intimidate, or communicate about given testimony with any witness at any time.

### H. Confiscation of Equipment and Ejection:

Court visitors using a portable electronic device, or possessing other electronic devices, in violation of this or any other court order, rule, or policy may be removed from the courthouse, found in contempt of court, and/or subject to penalties as provided by law. Any portable electronic device used in violation of an order, rule, or policy may be

# Kane County Local Rule

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confiscated and held until the possessor leaves the courthouse. Court personnel shall not be responsible or liable for any damage to or loss of a confiscated portable electronic device.

I. Authority of Elected Officials and Department Heads:

Nothing in this order effects the ability of any department head or elected official to authorize the use of the above-referenced devices strictly within the confines of their own offices in any court facility.

## **1.17 SIXTEENTH JUDICIAL CIRCUIT REMOTE APPEARANCES AND PROCEDURES**

All appearances under this rule shall comply with Supreme Court Rule 45:

<https://www.illinoiscourts.gov/resources/f06d63ba-828e-40f2-8ae2-ef4b11c9c66b/file>

A. General Rules

1. The Sixteenth Judicial Circuit strives to make court participation more accessible, meaningful, and convenient for all, and encourages the use of technology to attend court proceedings remotely where applicable. All judges in the Sixteenth Judicial Circuit have the discretion to create and maintain a remote hearing or 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.
2. This rule does not require a judge to hold a remote hearing in any proceeding unless otherwise mandated by law or established by other court procedure – see Section (d) below. Those proceedings allowed to be conducted by video or telephone under SCR 45(c-e) may be required to be in-person if the judge determines that the nature of the hearing, the conduct of the parties or attorneys in the case, or if the need to allow parties and their attorneys to communicate and negotiate effectively requires it.
3. When a remote hearing involves a defendant in custody, the judge shall provide an opportunity for counsel to communicate privately with said defendant prior to, during, and immediately after the proceeding either in-person or remotely.
4. A judge may direct an attorney to initiate a remote hearing in an individual case as necessary, if that order does not place an undue burden on any one party or attorney.
5. Persons who appear in a remote hearing must 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 Sixteenth Judicial Circuit Court Rules. The same rules regarding dress, conduct, demeanor, language, and respect for the court and staff apply as if the participants were physically present in the courtroom.
6. Judges, at their discretion, should make efforts to allow public viewing of any public court proceeding conducted by video.

B. How to Join and Appear in a Remote Proceeding (Zoom) in the Sixteenth Judicial Circuit

1. If you are attending court by video, you must first have the Zoom application downloaded on your computer, smartphone, or other device. Once Zoom is downloaded on your device, you may link to your courtroom by using your internet browser (Safari, Google) to connect to [KaneCourt.org](http://KaneCourt.org), then selecting the JOIN

## Kane County Local Rule

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- ZOOM COURT button. Locate your courtroom number or judge, then select JOIN HEARING, then select JOIN WITH ZOOM and follow the on-screen directions.
2. You should use your best efforts to make sure your full first and last name appear on screen. Judges or court staff may delay or deny access to on screen nicknames or preassigned names such as iPhone123. The courts often will only allow in those people whose screen names are on their court call. If you need help changing your on-screen name, please call the Kane County Law Library & Self-Help Legal Center at (630) 406-7126.
  3. You may not record or take any pictures or screen shots, or otherwise capture an image or recording of a remote court date without the court's permission.
  4. If you are attending court by telephone audio only (no video), you can find the dial-in information for each courtroom on [KaneCourt.org](http://KaneCourt.org) by selecting the JOIN ZOOM COURT button. Locate your courtroom number or judge, then select JOIN HEARING. The telephone number to call, along with the needed Meeting ID and Password, will be displayed. When you call the telephone number, follow the prompts that are given.
  5. When entering remote court (Zoom court) all but the area code and last three digits of your telephone number are hidden from participants who are using video to see the screen. The host of the remote court call (Zoom court) will replace your phone number with your name. To mute and unmute yourself, dial \*6.
- C. General In-person and Zoom Court Information
1. The website [KaneCourt.org](http://KaneCourt.org) (Kane Court Partners) is designed to quickly direct you to information you may need to attend court, including but not limited to:  
  
How to Use Zoom  
Join Zoom Court  
Online Payment  
Is Court In-Person/Zoom?  
Hearing Reminders  
Find My Court Date
  2. You may also find access to remote (Zoom) court through the links on the following websites: [Sixteenth Judicial Circuit website](#), LIVE STREAMING JOIN ZOOM COURT link, the [Kane County Circuit Clerk's Office website](#) LIVE COURT link, or the [Kane County Law Library & Self Help Legal Center's website](#) ATTEND COURT link.
  3. If in-person court attendance is required or preferred, you may find the courthouse locations, hours, and contact information on the [Sixteenth Judicial Circuit website](#).
- D. Proceedings Exempt from Remote (Zoom) Proceedings  
Jury trials of all case types are exempt from remote proceedings.
- E. How to Request a Remote (Zoom) Proceeding
1. To see if your appearance is in-person or remote (Zoom), view instructions on how to attend remote (Zoom) court, or find courthouse locations, please see section (c) above.
  2. To request a remote (Zoom) court appearance in a Juvenile Division matter, you must first be a party to the case or otherwise meet the stipulations found in [Local Court](#)

## Kane County Local Rule

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- [Rule 15.09 Attendance at Hearings](#). If you qualify, you may contact the Judicial Assistant at 630.232.3441 to request direction on how to attend the hearing remotely.
- F. Documents Including Remote Appearance Information  
All summonses, notices, and court orders setting court dates where case participants have the option to appear remotely shall include the following:

Hearing Type

Zoom Meeting ID, Password, and link or instructions for where to obtain this information

Dial-in information

Courthouse address and phone number

- G. Where the Local Court Rule and any Amendments Will be Shared

This Local Court Rule and any amendments shall be linked to the [Sixteenth Judicial Circuit](#), [Kane County Law Library & Self-Help Legal Center](#) and the [Kane County Circuit Clerk's Office](#) websites.

All current Local Court Rules, General Orders, and Administrative Orders are available in physical print format in the [Kane County Law Library & Self-Help Legal Center](#).