

## **Rule 24. Rule on Attending Court Remotely by Phone or Video**

### **A. Purpose**

The purpose of this Second Judicial Circuit Rule is to provide information to the public about attending court by phone or video. The definitions in Illinois Supreme Court Rule 45 apply to this Second Judicial Circuit Rule. For a complete text of Illinois Supreme Court Rule 45, please refer to the Administrative Office of Illinois Courts' website [Illinois Supreme Court Rule 45 \(windows.net\)](#).

### **B. How to Appear Remotely**

Case participants may have the option to attend their court date by phone or video. This is called a remote court appearance, remote court date, appearing remotely, video court, appearing by video, or Zoom court.

The counties of the Second Judicial Circuit all utilize Zoom for their remote court proceedings. As the Second Circuit is comprised of twelve (12) counties, some of which have multiple courtrooms, there are numerous Zoom proceedings taking place on any given day. Additionally, circumstances may arise that necessitate moving dockets from one assigned courtroom to another. Providing Zoom login credentials within this Order would not provide participants accurate, up-to-date information to assist them in appearing remotely. As such, Circuit Clerk's Offices are best suited to provide participants with remote login credentials, including Zoom meeting ID numbers and passwords. If attending by phone only (without video), dial-in information can also be obtained by contacting the Circuit Clerk's Office for the respective county.

The Circuit Clerk's Offices of the Second Judicial Circuit may be contacted as follows:

**Crawford County Circuit Clerk**

Phone: 618-544-3512

1 Court Street, Robinson, IL 62454

**Edwards County Circuit Clerk**

Phone: 618-445-2016

50 East Main Street, Albion, IL 62806

**Franklin County Circuit Clerk**

Phone: 618-435-9800

100 Public Square, Benton, IL 62812

Gallatin County Circuit Clerk

Phone: 618-269-3140  
484 Lincoln Blvd. E, Shawneetown, IL 62984

Hamilton County Circuit Clerk

Phone: 618-643-3224  
100 South Jackson Street, McLeansboro, IL 62859

Hardin County Circuit Clerk

Phone: 618-287-2200  
102 Market Street, Elizabethtown, IL 62931

Jefferson County Circuit Clerk

Phone: 618-244-8008  
100 South 10<sup>th</sup> Street, Mt. Vernon, IL 62864

Lawrence County Circuit Clerk

Phone: 618-943-2815  
1100 State Street, Lawrenceville, IL 62439

Richland County Circuit Clerk

Phone: 618-392-2151  
103 West Main Street, Olney, IL 62450

Wabash County Circuit Clerk

Phone: 618-262-5362  
401 North Market Street, Mt. Carmel, IL 62863

Wayne County Circuit Clerk

Phone: 618-842-7684  
307 East Main Street, Fairfield, IL 62837

White County Circuit Clerk

Phone: 618-382-2321  
301 East Main Street, Carmi, IL 62821

Up-to-date information for each of the Circuit Clerk's Offices for the counties within the Second Judicial Circuit may also be found on the Second Judicial Circuit's website [www.illinoissecondcircuit.info](http://www.illinoissecondcircuit.info).

**C. Which Documents Must Include Remote Appearance Information**

All summonses, notices, and court orders setting court dates issued by the Circuit Clerk’s Offices in the Second Judicial Circuit when case participants have the option to appear remotely shall be accompanied by the following information: (1) the Courtroom to which the case has been assigned, (2) the Zoom Meeting ID for that assigned Courtroom, (3) the Zoom Meeting Password, (4) Instructions for Zoom Participation, (5) the Dial-in Telephone Number, (6) Instructions for Dial-In Participation, (7) Courthouse Address and Circuit Clerk’s Telephone Number.

All summonses, notices, and court orders setting court dates issued by the Circuit Clerk’s Offices in the Second Judicial Circuit shall also be accompanied by the following specific language, “For more information on appearing remotely by phone or video, please refer to the Second Judicial Circuit Rule 24 – Rule on Attending Court Remotely by Video or Phone” found on the Second Judicial Circuit’s official website [www.illinoissecondcircuit.info](http://www.illinoissecondcircuit.info).”

All summonses, notices, and court orders setting court dates issued by private counsel and filed in cases in the Second Judicial Circuit shall be accompanied by the following specific language, “For information on appearing remotely by phone or video, please contact the Circuit Clerk’s Office or refer to the Second Judicial Circuit Rule 24 – Rule on Attending Court Remotely by Video or Phone” found on the Second Judicial Circuit’s official website [www.illinoissecondcircuit.info](http://www.illinoissecondcircuit.info).” Summonses, notices, and court orders setting court dates that are not in compliance with this provision shall be subject to e-file rejection.

**D. How to Get Help Appearing Remotely**

Anyone needing help appearing remotely may visit [www.ilcourts.info/AllRemoteCourtResources](http://www.ilcourts.info/AllRemoteCourtResources) for remote court resources, including written instructions and short videos on how to Zoom from a computer and mobile device.

**E. When a Case Participant Can Choose to Appear Remotely or in Person and When an In-Person Appearance is Required by the Court**

The Second Circuit has considered the impact that requiring in-person appearances may have on the ability of all case participants to participate in the court proceedings. The Second Circuit has further considered the ability of lawyers to efficiently and cost effectively serve people, particularly those in need. In keeping with these considerations, the following provisions shall apply:

1. In Civil Matters:

- a. Except for the court dates listed below in Section (E)(1)(b), participants can choose to appear remotely or in person without any advance approval from the judge in all court dates. Examples of court dates at which case participants may appear remotely without advance approval include, but are not limited to:
  1. Initial Case Management Conferences,
  2. Pre-trial Conferences,
  3. Case Management Conferences,
  4. Status Hearings,
  5. Hearings in which only argument will be presented, and
  6. Ex Parte Hearing where only one side of the case is presenting evidence (for example, emergency orders of protection and hearing on applications for waiver of court fees.)
- b. Case participants must appear in person for the following court dates unless a case participant has requested to appear remotely and that request has been granted by the presiding judge in accordance with the provisions set forth in Section G of this Rule:
  1. Hearings when evidence will be presented, with the exception of ex parte hearings where only one side of the case is presenting evidence (for example, emergency orders of protection and hearing on applications for waiver of court fees),
  2. Settlement Conferences,
  3. Bench Trials, and
  4. Jury Trials.

2. In Criminal Matters that Do Not Involve the Possibility of Jail or Prison Time:

- a. Except for the court dates listed below in Section (E)(2)(b), case participants can choose to appear remotely or in person without any advance approval from the judge in all court dates. Examples of court dates at which case participants may appear remotely without advance approval include, but are not limited to:
  1. First Advisements/First Appearances, and
  2. Hearings at which no evidence will be presented.
- b. Case participants must appear in person for the following court dates unless a case participant has requested to appear remotely and that request has been granted by the presiding judge in accordance with the provisions set forth in Section G of this Rule:
  1. Arraignments,
  2. Hearings at which evidence will be presented,
  3. Bench Trials, and
  4. Jury Trials.

3. In Juvenile Abuse, Neglect, and Dependency Matters:
  - a. Except for the court dates listed below in Section (E)(3)(b), case participants can choose to appear remotely or in person without any advance approval from the judge in all court dates. Examples of court dates at which case participants may appear remotely without advance approval include, but are not limited to:
    1. First Advisements/First Appearances,
    2. Status Hearings, and
    3. Hearings at which no evidence will be presented.
  - b. Case participants must appear in person for the following court dates unless a case participant has requested to appear remotely and that request has been granted by the presiding judge in accordance with the provisions set forth in Section G of this Rule:
    1. Shelter Care Hearings/ Motions for Temporary Custody,
    2. Adjudication Hearings,
    3. Dispositional Hearings,
    4. Permanency Hearings,
    5. Termination of Parental Rights Hearings, and
    6. Hearings where evidence will be presented.
4. In Juvenile Intervention Matters:
  - a. Except for the court dates listed below in Section (E)(4)(b), case participants can choose to appear remotely or in person without any advance approval from the judge in all court dates. Examples of court dates at which case participants may appear remotely without advance approval include, but are not limited to:
    1. First Advisements/First Appearances,
    2. Status Hearings, and
    3. Hearings at which no evidence will be presented.
  - b. Case participants must appear in person for the following court dates unless a case participant has requested to appear remotely and that request has been granted by the presiding judge in accordance with the provisions set forth in Section G of this Rule:
    1. Shelter Care Hearings/ Motions for Temporary Custody,
    2. Adjudication Hearings,
    3. Dispositional Hearings,
    4. Permanency Hearings,
    5. Termination of Parental Rights Hearings, and
    6. Hearings where evidence will be presented.

5. In Juvenile Delinquency Matters

- a. Except for the court dates listed below in Section (E)(5)(b), case participants can choose to appear remotely or in person without any advance approval from the judge in all court dates. Examples of court dates at which case participants may appear remotely without advance approval include, but are not limited to:
  1. Initial appearances,
  2. Initial or subsequent appearances at which continued detention of a minor will be determined,
  3. Status hearings,
  4. Waiver of a Preliminary Hearing,
  5. Arraignments on an Information or Indictment at which a plea of not guilty will be entered, and
  6. Hearings in which no evidence will be presented.
  
- b. Case participants must appear in person for the following court dates unless a case participant has requested to appear remotely and that request has been granted by the presiding judge in accordance with the provisions set forth in Section G of this Rule. If the request is made by and granted on behalf of the minor, the judge must also accept the minor's waiver of an in-person appearance in accordance with Supreme Court Rule 45(d)(2), for the following court dates:
  1. Negotiated pleas,
  2. Arraignments or other proceedings or appearances at which a plea of guilty will be entered,
  3. Probation revocation hearings,
  4. Hearings at which evidence will be presented, and
  5. Bench trials.

6. Criminal Matters That Involve the Possibility of Jail or Prison Time:

- a. Except for the court dates listed below in Section (E)(6)(b), case participants can choose to appear remotely or in person without any advance approval from the judge for the following court dates:
  1. Initial appearances,
  2. Status hearings,
  3. Waivers of a preliminary hearing;
  4. Arraignments on an information or indictment at which a plea of not guilty will be entered;
  5. Presentations of a jury waiver;
  6. Hearings where no evidence will be presented;
  7. Hearings on applications for waiver of court assessments; and
  8. Hearings conducted under the Sexually Violence Persons Commitment Act (725 ILCS 207/1 et seq.) at which no witness testimony will be taken.

- b. Case participants must appear in person for the following court dates unless a case participant has requested to appear remotely and that request has been granted by the presiding judge in accordance with the provisions set forth in Section G of this Rule. If the request is made by and granted on behalf of the defendant, the judge must also accept the defendant's waiver of an in-person appearance in accordance with Supreme Court Rule 45(d)(2) for the following court dates:
  1. Negotiated pleas;
  2. Hearings in which evidence will be presented, with the exception of hearings on applications for waiver of court assessments as provided for in Section (E)(6)(i).
  3. Sentencing hearings,
  4. Probation revocation hearings,
  5. Arraignments or other proceedings or appearances at which a plea of guilty will be entered;
  6. Hearing conducted under the Sexually Dangerous Persons Act (725 ILCS 205/0.01 et seq.), and
  7. Bench trials or stipulated bench trials.

**F. When a Case Participant Must Appear in Person**

1. Pursuant to Supreme Court Rule 45, jury trials in criminal matters that involve the possibility of jail or prison time must be held in person, with the exception that witnesses may be allowed to testify remotely with the approval of the judge presiding over the case and with the agreement of the parties.
2. Pursuant to Supreme Court Rule 45, a judge presiding over a case may order a case participant to appear in person for reasons particular to the specific case, including the case participants failure to act in accordance with provisions set forth in Section I of this Rule during a remote court proceeding. In the event that a judge exercises this discretion and requires a participant's appearance in person, the judge must inform the case participant on the record of the requirement to attend a future court date in person.

**G. Requests to Appear Remotely When Approval is Required**

Case participants requesting permission to appear remotely for any court date at which prior approval is required as set forth in Section E of this Rule (specifically Sections (E)(1)(b), (E)(2)(b), (E)(3)(b), (E)(4)(b), (E)(5)(b), and (E)(6)(b)), must either:

1. Make an oral Motion to (verbally ask) the presiding judge for permission to appear remotely at a future court date. This oral Motion may be made during any court

proceeding in which the case participant is either appearing remotely as permitted or appearing in person, or

2. File a written Motion with the Clerk of the Court requesting permission from the presiding judge to appear remotely. Said written Motion shall be filed not less than 48 hours prior to the court date for which the permission is being requested, excluding weekends and holidays.

All requests seeking approval to appear remotely shall be court date specific and shall not be intended to apply to all future court dates, unless otherwise granted by the presiding judge. All written Motions shall be given priority and forwarded to the attention of the presiding judge by the Clerk of the Court for ruling on said Motion.

#### **H. Case Participant's Right to Appear In Person**

When a case participant elects to appear in person for a court date in which a remote appearance is an option, they shall not be denied access to appear in person in the courtroom. Pursuant to Supreme Court Rule 45(b)(5), "Where the option to appear remotely exists, courts shall not deny access to case participants who choose to participate by appearing in person or who cannot appear remotely without assistance and shall allow individuals who come to the courthouse to participate by appearing physically in the courtroom."

#### **I. How to Act When Appearing Remotely**

A remote court appearance is a court appearance, and case participants must act as if they were appearing in person in the courtroom. All the same rules regarding demeanor, language, dress, civility, and respect apply to all remote court dates and to all case participants, including the judge presiding over the case, court staff, lawyers, litigants, and witnesses. As case participants are expected to appear on-time when appearing in person, participants appearing remotely are also expected to be logged on and in the correct Zoom waiting room at the designated court time.

##### **1. How to Get Ready**

Case participants should confirm the Zoom meeting ID number and password for their court date prior to the actual date and time. Case participants should make sure to have a stable internet or phone connection and a fully charged device. All case participants must connect to audio when initially logging into Zoom, and maintain functioning audio throughout the proceeding. Case participants with video capability should also ensure that their video is functioning and turned on. Case participants should be logged on and waiting in the Zoom waiting room at the



designated court time. Case participants should also use best efforts to appear remotely from a quiet place without distractions. When appearing by video, unsuitable filters or backgrounds must be removed. As a strong and stable internet or phone connection is essential to appearing remotely, the inability to appear due to a poor connection may result in the presiding judge ordering an in-person appearance for a future court date.

2. How to Dress When Appearing by Video

Case participants should dress as if they are attending court in person in the courtroom. Hats or headwear are not permitted except for religious or medical reasons, and sunglasses must be removed.

3. Participant Identification

Case participants appearing by video should use best efforts to make sure they are properly named on screen with first and last name. Nicknames and pre-assigned names such as “IPHONE” do not help the court identify who should be allowed into the remote courtroom and may result in a delay in admission. For help, please see Section D of this Rule.

When calling into a remote court appearance, case participants should identify themselves when asked, and the host of the remote court date may rename and identify case participants by name. Case participants appearing on Zoom by phone only, can dial \*6 to mute and unmute and \*9 to raise and lower a virtual hand to ask a question.

4. How to Participate in the Remote Proceeding

- a. Case participants should remain muted until their case is called or they are asked to unmute. Any members of the public or media participating in the proceeding must remain muted and not interfere with the remote court date unless asked to speak.
- b. As with any court date, case participants must be courteous, civil, and respectful. Only one person may speak at a time, and case participants shall not speak over one another.
- c. Case participants appearing by video should leave the video on unless directed otherwise. Drinking is not allowed without the court’s permission.
- d. Case participants should be sitting and should use best efforts to remain in one place while appearing remotely. Case participants should avoid moving around (for example, appearing from a moving vehicle or pacing) or stepping away without permission.

- e. All electronic devices aside from the one in use for the remote court date should be turned off or silenced and notifications should be muted.
- f. If the judge presiding over the case determines that a case participant is behaving in a disruptive or abusive manner, the judge will give a warning and an opportunity to make changes. However, if the behavior continues or if the behavior is egregious, the judge may mute or remove the case participant or order the case participant to appear in person.

5. Prohibited Behaviors and Recording

Case participants 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. The following additional behaviors are also prohibited while participating remotely:

- a. Driving while participating in a remote proceeding.
- b. Eating or chewing gum while participating in a remote proceeding.
- c. Using tobacco or vaping products during a remote proceeding.

Engaging in prohibited behaviors may result, at the discretion of the presiding judge, in the case participant being removed from the virtual courtroom, the case participant being ordered to appear in person for future court dates, and/or the case participant being found in contempt of court.

**J. Where the Local Rule and Any Amendments Will Be Shared**

Information in this Local Rule and any amendments shall be posted on the Second Judicial Circuit's website [www.illinoissecondcircuit.info](http://www.illinoissecondcircuit.info) Information may also be found in public areas of the courthouses and community. Information in this Local Rule and any amendments to it shall also be shared with local bar associations, the Administrative Office of the Illinois Courts, and others.