

IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT

GENERAL ORDER 21 - 06

*In re the Amendment to Articles I
and II of the Local Rules of the
Twenty-Third Judicial Circuit*


FILED


JUN 15 2021


MATTHEW G. PROCHASKA
CIRCUIT CLERK KENDALL CO.


IT IS ORDERED THAT the attached Amendments to Articles I and II of the Local Rules of the Twenty-Third Judicial Circuit be adopted, and said amendments shall be in full force and effect upon the execution of this General Order by a majority of the Circuit Judges of the Twenty-Third Judicial Circuit. This General Order supersedes any prior General Orders inconsistent with these Amendments.


Enter this 15th day of June, 2021.



Melissa S. Barnhart, Circuit Judge

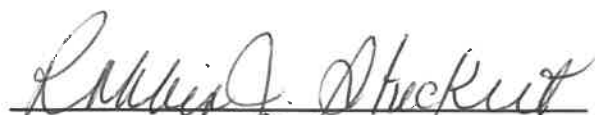

Thomas L. Doherty, Circuit Judge

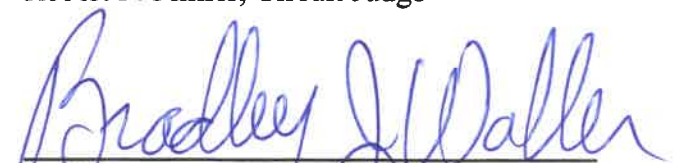

Jody P. Gleason, Circuit Judge


Stephen L. Krentz, Circuit Judge


Ronald G. Matekaitis, Circuit Judge


Robert P. Pilmer, Circuit Judge


Robbin J. Stuckert, Circuit Judge


Bradley J. Waller, Circuit Judge

ARTICLE I

ADMINISTRATION OF THE COURT

1.15 SELECTION OF A CHIEF JUDGE

- A. A majority of the Circuit Judges shall select, by secret ballot, one of their number to serve as Chief Judge for a three-year term commencing the first Monday in December, 2012 and shall select a Chief Judge in like manner every three years thereafter pursuant to Article VI, Section 7(c) of the Illinois Constitution. The election shall be held in September in the year the Chief Judge is to take office. The Chief Judge shall serve a single term, although nothing prevents a Circuit Judge from serving a subsequent, non-consecutive term as Chief Judge. The Office of Chief Judge shall alternate between DeKalb and Kendall Counties.
- B. The Chief Judge shall appoint one of the Circuit Judges , of the other county than the county in which the Chief Judge currently sits, to act as Chief Judge in his or her absence. The Acting Chief Judge shall have the same powers and duties as 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.
- C. At any time by written request directed to the Chief Judge, a majority of the Circuit Judges may call a meeting for the purpose of removal of the Chief Judge, 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.

- D. Whenever a vacancy occurs in the office of Chief Judge, any three (3) 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 subparagraph A above.

1.85 RELEASE OF PROBATION RECORDS

- A. Upon receipt of a verbal or written inquiry by a law enforcement official, any probation officer employed by the Court Services Department of the Twenty-Third Judicial Circuit is authorized to release the following information concerning a probationer: 1) Name, 2) Date of Birth, 3) Place of Birth, 4) Alien Registration Number (if known), 5) Offense, and 6) Docket Number.
- B. Probation officers shall not inform any law enforcement official of dates of probation appointments or otherwise coordinate with any law enforcement official regarding the taking of a probationer into custody, unless there is a valid judicial warrant for the arrest of the probationer.
- C. Nothing herein shall prevent a probation officer from communicating to a State's Attorney whether a probationer has allegedly violated the terms of his or her probation so that the State's Attorney may file a Petition to Revoke Probation, if deemed appropriate; provided that records concerning the alleged violation shall be provided to the State's Attorney upon receipt of a subpoena issued by the State's Attorney, or a court order.

D. Exceptions to this policy may be sought from the chief judge on a case-by-case basis.

1.90 SUSPENSION OF LOCAL RULES

By a vote of three-fourths of the Circuit Judges, a local rule may be temporarily suspended.

ARTICLE II

CLERK OF THE CIRCUIT COURT

2.05 FILING OF PAPERS DOCUMENTS

- A. Any ~~paper~~ document to be filed in any cause or proceeding may be filed in person, by United States mail, by courier, or electronically as provided in these Rules.
- B. Any ~~paper~~ document filed in any cause or proceeding, ~~except in branch courts,~~ shall be impressed, or electronically imprinted, with a stamp, bearing the word "Filed" followed by a notation of the month, day and year of the filing and the name of the Clerk of Court.
- ~~C. Any paper to be filed in any cause or proceeding pending in branch court may be filed either at the main Clerk's office, a branch location of the Clerk's office, or at the appropriate field court.~~
- D ~~C~~. Pleadings, motions and other ~~papers~~ documents filed with the Clerk, and not served in compliance with Supreme Court Rules 11 and 12, may be stricken by the Judge hearing the case, either with or without advance notice.
- ~~E. Each party commencing an action or proceeding in case types L, LM, SG, TX, AD, JA, JD, OP, ED, MR, CH, F, D, P, J, MH, or MC shall complete the New Case Information Sheet provided by the office of the Clerk of Court, and present said sheet at the time of filing the complaint, petition, or other paper initiating said action or proceeding.~~

~~F D. The Circuit Clerk shall assign numbers on all cases filed, in accordance with the Administrative Office of Illinois Courts Manual on Recordkeeping, to each such action or proceeding a Case Number, which shall be endorsed on all pleadings, notices, orders, and other papers filed therein. Such Case Number shall consist of: (1) a two-digit number indicating the year in which such action or proceeding was commenced; (2) a case type abbreviation prescribed by the Administrative Office of the Illinois Courts; and (3) a consecutive case number. Pending actions or proceedings shall continue under the numbers heretofore assigned.~~

2.10 REMOVAL OF PAPERS DOCUMENTS FILED

~~No pleading, file content, or other document filed in this Court part of the court file shall be removed from the Circuit Clerk's office except by authorized Circuit Clerk or judicial personnel, or as otherwise provided by ~~without a specific Order signed by the judge hearing the matter. Any such removal must be in accordance with the current edition of the Administrative Office of Illinois Courts Manual on Recordkeeping.~~~~

2.15 COPIES OF PAPERS DOCUMENTS FILED

Upon request and the payment of the appropriate fee, the Clerk shall provide copies of any pleading or ~~papers~~ documents filed in this Court pursuant to 705 ILCS 105/27.1a**b**, unless otherwise specifically ordered.

2.40 APPLICATION FOR WAIVER OF COURT FEES

Applications for Waiver of Court Fees pursuant to 735 ILCS 5/5-105 and Supreme Court Rule 298, and Applications for Waiver of Court Assessments pursuant to 725 ILCS 5/124A-20 and Supreme Court Rule 404 in all matters, including but not limited to civil, criminal, and quasi-criminal matters shall be handled in accordance with applicable Supreme Court Rules and Orders.

~~A. Forms of Application for Waiver of Court Fees by persons who are exempt from e-filing under Supreme Court Rule 9(c) may be filed by U.S. Mail, third-party commercial carrier, in person, as provided in Supreme Court Rule 298, shall be provided by the Clerk of Court.~~

~~B. Said Applications shall be submitted for hearing to the judge expected to be assigned to hear the matter in the future, or to the Presiding Judge if the judge expected to be assigned to the matter is unavailable.~~

2.50 ~~CLERK TO PREPARE PRE-PRINTED~~ USE OF STANDARDIZED FORMS

A. ~~For clarity of documents and expediency in processing, standardization of documents is necessary.~~ The Clerk of the Circuit Court shall provide pre-printed or electronic forms as may be approved by the Illinois Supreme Court Commission on Access to Justice or by the Presiding Judge.

B. Standardized forms approved by the Illinois Supreme Court Commission on Access to Justice shall be used as provided in Supreme Court Rule 10-101.

~~B. The Clerk of the Circuit Court shall provide pre-printed or electronic forms as may be approved by the Illinois Supreme Court or by the Presiding Judge.~~

~~The contents, and formatting, including the number of carbonless copies, if any, of pre-printed forms must be approved by the Presiding Judge prior to use. All new designs, revisions, and modifications to forms shall be forwarded to the Clerk of the Circuit Court prior to approval by the Presiding Judge.~~

BC. The contents, and formatting, including the number of carbonless copies, if any, of county-specific pre-printed forms must be approved by the Presiding Judge prior to use. All new designs, revisions, and modifications to county-specific forms shall be forwarded to the Clerk of the Circuit Court prior to approval by the Presiding Judge.

ED. The duplication of county-specific forms available from the Clerk of the Circuit Court, by attorneys or litigants, is acceptable provided they contain the same standard heading and content as the Clerk's previously supplied form.

2.70 AUTHORITY FOR E-RECORDS

A. Designation of electronic record types

This Court hereby authorizes all electronic civil court records to be the official court record. This includes all civil (AD, CH, D, ED, F, L, LM, MC, MH, MR, OP, P, SC and TX (*Effective until January 1, 2022.*)) (AD, CH, DC, DN, ED, EV, FA, FC, GC, GR, LA, LM, MH, MR, OP, PR, SC and TX (*Effective beginning January 1, 2022.*)) case types, with the exception of Will Filing (WI). The court may authorize, by written Administrative Order, the electronic

records of additional types of civil cases to be the official court record. The Circuit Clerk shall direct the phasing in of additional implementation.

B. Definitions

1. Electronic Record: All official trial court records for a case filed and stored electronically, except all documents required to be maintained in original form.
2. Print on Demand: The ability to print any electronic document for use by judges, court personnel, lawyers, litigants and the public.

C. Electronic access to records

This Circuit adopts the Supreme Court's ***Electronic Access Policy***. Access to the electronic court record will be available consistent with this policy. All protected information will be viewable only by the parties of record consistent with the Supreme Court's ***General Administrative Order on Recordkeeping in the Circuit Courts*** and applicable laws. The electronic record can be accessed at any time subject to unexpected technical failures, normal system maintenance, or as may otherwise be technically feasible.

D. Protecting electronic record

The Clerk of the Circuit Court shall ensure the migration and safety of the Court's records through regular maintenance of the hardware and software, and replication of the data to offsite storage facilities.