



STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF DU PAGE )

IN THE CIRCUIT COURT OF THE 18TH JUDICIAL CIRCUIT,  
DU PAGE COUNTY, ILLINOIS

IN THE MATTER OF MODIFICATIONS AND ) Administrative Order No. 17-17  
ADDITIONS TO THE CIRCUIT COURT RULES )

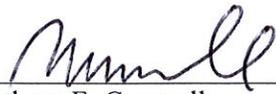
WHEREAS, the Circuit Judges of the 18th Judicial Circuit adopted local Circuit Court Rules on November 16, 2004; and

WHEREAS, from time to time the Circuit Judges find it necessary to ratify and codify certain revisions, amendments and additions to said local Circuit Court Rules; and

WHEREAS, on September 13, 2017, **Circuit Court Rules 1.30 Photographing, Recording, Broadcasting or Televising in or near Courtrooms, 11.01 Qualifications and Appointment of Receivers, 13.10 Form of Notice of Rejection or Award, 14.05 Order of Referral to Court Ordered Mediation, 15.07 Status Conference, 15.15 Mediation Referral Program, 15.16 Evaluation Program, 17.02 Intake Procedure, 17.03 Preliminary Conference, 17.06 Filing of Petitions, 17.12 Limited or Temporary Custody, 17.16 Routine Change in Custody, 30.01 Applicability of Rules, 30.04 Reassignments, 30.16 Petitions to Expunge Records of Arrest, 31.02 Processing Returns of Bench Warrants, 32.01 Applicability, 32.05 Procedure for Disclosure and Filing of Pre-Sentence Reports and Pre-Plea Reports, 34.04 DUI Evaluation Fees, 34.05 DUI Treatment Services, 37.02 Appeals of Criminal Cases, 18.06 Out of State Personal Representatives** were amended.

IT IS THEREFORE ORDERED that these changes, shown as adopted in Exhibit A attached hereto, were adopted into the local Circuit Court Rules to be effective September 13, 2017.

ENTER:

  
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Kathryn E. Creswell  
Chief Judge

Dated: September 14, 2017  
Wheaton, Illinois

### **1.30 PHOTOGRAPHING, RECORDING, BROADCASTING OR TELEVISIONING IN OR NEAR COURTROOMS**

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- a1. Judicial Office Facility employees with DuPage County-issued identification badges;
- b2. Licensed attorneys who have been issued DuPage County identification badges;
- e3. Licensed attorneys upon presentation of a current valid Attorney Registration and Disciplinary Commission card **along with photo ID**;
- d4. Jurors upon presentation of a valid Jury Summons or jury badge. Jurors will be allowed to bring cellular telephones, personal digital assistants and /or laptop computers equipped with cameras or recording capabilities into the jury lounge area of the Judicial Office Facility, but will be denied access to those devices once selected for voir dire or service on a jury.
- 5. **Persons authorized by a judge with a court order specifying the type of equipment to be permitted into the courthouse and for what time period.**

### **11.01 QUALIFICATIONS AND APPOINTMENT OF RECEIVERS**

(a) Appointment of receivers shall be in accordance with 735 ILCS 5/2-415 (Code of Civil Procedure), **Supreme Court Rule 61(e)(11)**, and any other applicable statute, Illinois Supreme Court Rule or Rule.

### **13.10 FORM OF NOTICE OF REJECTION OF AWARD (S.Ct. Rule 95) (RESERVED)**

### **14.05 ORDER OF REFERRAL TO COURT ORDERED MEDIATION**

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Pursuant to Supreme Court Rule 218, all mediation eligible cases shall be set for a case management conference within one hundred eighty **two (1820)** days of filing. Following the Rule 218 conference, cases may be assigned to court ordered mediation. The entry of an Order of Referral to court ordered mediation assigns the case to court ordered mediation, and transfers the case to the Supervising Judge of court ordered mediation instanter. It also requires the parties to appear within fourteen (14) to twenty-one (21) days before the Supervising Judge for court ordered mediation. In the discretion of the trial judge on the Court's own motion or in response to a motion brought by any party, a case may be assigned to mediation before or after the Rule 218 Conference.

### **15.07 STATUS CONFERENCE**

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(a) The purpose of a status conference is to prevent delay in the disposition of the case and to monitor compliance with court rules.

(b) An initial status shall be assigned by the Clerk of the Court upon a case being filed under the Illinois Marriage and Dissolution of Marriage Act or the Illinois Parentage Act of **2015**~~1984~~. At the initial status, if not earlier, the parties or attorneys of record whom are knowledgeable as to the issues in the case, shall report the progress of the case to the Court, including:

### **15.15 MEDIATION REFERRAL PROGRAM**

#### **K. MEDIATOR IMMUNITY**

A mediator, approved and certified by this Circuit and acting pursuant to these rules, shall have judicial immunity in the same manner and to the same extent as a judge, under the authority conferred by Illinois Supreme Court Rule 99(b)(1) as amended, effective October 10, 2001 **15, 2015**.

### **15.16 EVALUATION PROGRAM**

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#### **A. SUBJECT MATTER OF EVALUATION**

The DuPage Evaluation Program is a discretionary program of the Circuit Court of the 18th Judicial Circuit. If the Court determines that a custody or allocation of parental responsibilities evaluation, pursuant to **750 ILCS 5/604.10(b)**~~750 ILCS 5/604(b)~~, is needed or would assist the court in making its determination, the Court may so order an evaluation.

## D. REFERRAL ASSIGNMENT PROCEDURE

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(5) The Petitioner shall provide the order appointing the evaluator to the evaluator, via facsimile or, personal delivery, **or electronic delivery** within 48 hours of the entry of said order.

## 17.02 INTAKE PROCEDURE

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Whenever a Juvenile Police Officer or other proper person proposes to file a petition pursuant to the Juvenile Court Act, (ILCS Ch. 705, **Sections 405/2-13, 405/3-15, 405/4-12, 405/5-520** ~~Sections 405/2-12, 405/3-14, 405/4-11, 405/5-12~~), a Juvenile Report form shall be submitted to the Probation Department.

## 17.03 PRELIMINARY CONFERENCE

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(a) Whenever the Probation Department receives a Juvenile Report form, it shall schedule and hold a preliminary conference as provided by Sections 2-12, 3-14, 4-11, 5-12 **5-305** of the Juvenile Court Act (ILCS Ch. 705, Sections 405/2-12, 403/3-14, 405/4-11, 405/5-12 **405/5-305**), unless the minor is in custody or there is an agreement to the contrary with the State or other parties to the action.

(b) Notice of the conference will be given to the person seeking to file a petition under Sections 2-13, 3-15, 4-12, 5-13 **5-520** of the Juvenile Court Act (ILCS Ch. 705, Sections 405/2-13, 405/3-15, 405/4-12 ~~405/5-13~~ **520**), the prospective respondents and other interested persons by the Probation Department.

## 17.06 FILING OF PETITIONS

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(a) The filing of petitions shall be as provided in ILCS Ch. 705, Sections 405/2-13, 405/3-15, 405/4-12, 405/5-13 **405/5-520** of the Juvenile Court Act.

## 17.12 LIMITED OR TEMPORARY CUSTODY

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(b) Detention: A minor who satisfies the statutory criteria for detention as provided by 705 ILCS 405/2-7, 405/3-9, 405/4-6, 405/5-7 **405/5-410** of the Juvenile Court Act may be kept or detained in such detention facility as may from time to time be authorized by administrative order of the Chief Judge.

## 17.16 ROUTINE CHANGE IN CUSTODY

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(a) The temporary or permanent custody of a minor who is the subject of Juvenile Court proceedings shall not be changed unless the Court, the legal custodian or guardian of the person, and all other respondents, are given notice in writing, setting forth the reason for the requested change in custody at least ten (10) court days in advance of such change and said custodian or guardian is afforded opportunity to be heard by the Court as provided in 705 ILCS 405/2-28(1), 3-29(1), 4-26(1) ~~and 5-30(1)~~ **5-745(3)** of the Juvenile Court Act or files with the Court a written consent to such change.

## 30.01 APPLICABILITY OF RULES

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(b) The rules contained in Article 30 shall be read in conjunction with applicable rules contained in Articles 31 through ~~389~~ of the Local Rules.

## 30.04 REASSIGNMENTS

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(a) Reassignments of pending CF, CM, TR and OV cases and any cases companion thereto shall be made at the discretion of the Presiding Judge of the division in which the most serious charge is pending, who when ordering said reassignments shall do so in accordance with Rules ~~1-24~~, 30.03(d) and 30.03(e) and be guided by the following criteria:

### 30.16 PETITIONS TO EXPUNGE RECORDS OF ARREST

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(a) Any petition to expunge records of felony or misdemeanor arrest from official records pursuant to 20 ILCS 2630/5.2 or 730 ILCS 5/5-6-3.1 shall be in writing and shall be brought before the Presiding Judge of the Felony Division or of the Misdemeanor Division, respectively, who may, in the Presiding Judge's discretion, enter an order expunging the record of arrest.

### 31.02 PROCESSING RETURNS ON BENCH WARRANTS

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Traffic and Misdemeanor Charges:

(a) If a defendant is served with a bench warrant and taken into the custody of the Sheriff during regular work hours, and is charged with a traffic or misdemeanor offense only, said defendant shall be brought before the Court as follows:

(1) If the warrant was issued by a judge regularly assigned to the Misdemeanor Division, then the accused shall be brought before the **bond court judge as soon as practicable. The bond court judge shall take any appropriate action and then set the matter on the call of the issuing judge on the next business day.** who issued the warrant, if practicable. If the judge who issued the warrant is absent or unable to act, then the accused shall be taken before the judge sitting in Bond Court at the next available time. [Code of Criminal Procedure 725 ILCS 5/109-2(a) 1].

### 32.01 APPLICABILITY

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The provisions of Article 32 shall apply in all cases assigned to the Felony Division as set forth in Rule 2-13(b) **1.01(a)**. Where reasonable, these provisions shall be construed and applied in harmony with the provisions of Article 30 and Article 31. To the extent that the provisions of Article 32 may conflict with those of Articles 30 and 31, the provisions of Article 32 shall be controlling in all cases in the Felony Division.

### 32.05 PROCEDURE FOR DISCLOSURE AND FILING OF PRE-SENTENCE REPORTS AND PRE- PLEA REPORTS

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(b) Nothing in this procedure shall be deemed to limit that disclosure to any department, agency or institution to which the defendant is committed as provided in sub-section B(4) of 730 ILCS 5/5-3-4 or to any other person as ordered by the Court as provided for in sub-section B(5) **(7)** of 730 ILCS 5/5-3-4.

### 34.04 DUI EVALUATION FEES

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Chapter 625 ILCS 5/4-504(e) **5/11-501.01(a)** requires that any person required to undergo a professional evaluation as indicated in 730 ILCS 5/5-4-1 shall bear the cost of the evaluation.

### 34.05 DUI TREATMENT SERVICES

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*Moderate Risk - Program Services:*

(A) Authorized Service Providers shall provide and conduct pursuant to its written plan for professional services, OASA Regulations, Title 77, Illinois Administrative Code, Chapter X, Subchapter (d), Parts ~~2056 and 2058~~ **2060**, and the Rules of the 18th Judicial Circuit Court, DuPage County, Illinois, a comprehensive Driving Under the Influence Moderate Risk Education course including counseling treatment for those DUI defendants and other misdemeanants referred by the Department of Probation and Court Services wherein the nature of the charge, the conduct of the defendant or a factor to be considered in sentencing is alcohol or drug related; and

## 37.02 APPEALS OF CRIMINAL CASES

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(c) Appeals by indigent defendants:

(1) Filed in Court: When an indigent defendant files a Notice of Appeal in court on the date of sentencing, the Clerk of the Court shall immediately deliver a copy of said Notice to the Administrator of Court Reporters so that preparation of the transcript may commence.

Immediately upon the appointment of counsel (Appellate Defender or otherwise), by law (725 ILCS 5/121-12) **IL S.Ct.R. 607**, a copy of the court order making said appointment shall be forwarded to the Administrator of Court Reporters by the Clerk of the Court.

## 18.06 OUT-OF-STATE PERSONAL REPRESENTATIVES **RESERVED**

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~~(a) In the event that the personal representative is not an Illinois resident, the representative shall be represented by a designated agent who is an Illinois resident or by an attorney licensed to practice in and with a practice location in the State of Illinois.~~

~~(b) All estate funds and accounts shall be invested during the pendency of the probate proceedings in an Illinois financial institution or in a corporation or trust company licensed to do business in the State of Illinois. The designated agent or attorney under Rule 18.06(a) shall be co-signer on any and all such accounts and investments and shall retain in Illinois the checks, checkbooks, passbooks, securities or other evidence of the accounts and investments so that they are readily available for court inspection upon demand. Every such account or investment shall be structured so that no withdrawal or transfer can be made there from without the approval and signature of the designated agent or attorney. Negotiable or transferable securities in the name of the decedent or minor or incompetent shall be held by the designated agent or attorney, or if in street name, shall be modified to comply with the transfer restrictions of this Rule.~~

~~(c) The personal representative shall file with the Court an acceptance by the designated agent or attorney at the same time when filing the Oath of Office. Within sixty (60) days thereafter, the personal representative shall file with the Clerk of the Court an affidavit together with sufficient evidence to show compliance with this Rule as to all estate funds, accounts and assets. In the event of later discovered funds, accounts or assets, or in the event of a transfer of any account or investment, the personal representative shall likewise file an affidavit with sufficient evidence of compliance within fifteen (15) days from such discovery or transfer.~~

~~(d) Notwithstanding the above, the Court may, in its discretion, require a bond with sufficient surety regardless of any provision in the will, if there is a will, or stipulation to the contrary.~~