

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
VERMILION COUNTY, ILLINOIS**

ADMINISTRATIVE ORDER

RE

COURT OPERATIONS AND THE COVID-19 PANDEMIC

Whereas, consistent with the Centers for Disease Control and Prevention's directives to avoid large gatherings and practice "social distancing," the Illinois Supreme Court has cautioned that non-essential in-person court proceedings pose a risk to participants, court staff, and the public due to the 2019 Novel Coronavirus [COVID-19] pandemic. Circuit courts have been authorized to avoid this risk by restricting access to courthouses, rescheduling court hearings to a later date, especially jury trials and large docket calls, or, alternatively, by holding proceedings via telephone or video remote appearance where possible;

Whereas, the Rita B. Garman Vermilion County Courthouse performs essential governmental and judicial functions and operations, and, accordingly, must remain open for business, but with exceptions, limitations, and restrictions. The judiciary continues to monitor state and local responses to COVID-19 and follows guidance provided by state and local public health agencies and the CDC;

Whereas, although the present risk level in our area remains low, health care professionals have advised the judiciary that all persons, including courthouse staff and patrons should all minimize contact to prevent the spread of COVID-19;

Whereas, essential proceedings, such as in-custody criminal proceedings, juvenile temporary custody hearings, temporary restraining orders/temporary injunctions, juvenile detention hearings, domestic violence protective orders, and certain mental health proceedings, must occur, but in a manner consistent with a policy of mitigating the spread and impact of COVID-19;

Whereas, out of an abundance of caution, in an effort to be proactive, and after consulting with local health agency personnel, the judges of Vermilion County in the Fifth Judicial Circuit of Illinois have directed that measures be taken to minimize potential exposure to COVID-19, while still attending to the court's core responsibilities. These measures are intended to balance health and safety concerns with the need to continue to provide essential services to the citizens of the County. These protocols restrict access to the courthouse; incorporate the use of videoconferencing and teleconferencing to minimize contact; follow social distancing practices; and temporarily suspend some non-essential court functions; and

Whereas, the Presiding Circuit Judge for Vermilion County has general administrative authority over the dockets of the circuit court and authority to enter orders affecting the

general scheduling of cases within the County pursuant to authority granted by the Chief Circuit Judge under Supreme Court Rule 21(b).

NOW, THEREFORE, IT IS ORDERED:

Preamble: The health and welfare of all courthouse employees and patrons is of principal priority, so too is the judiciary's responsibility to the community at large to minimize in-person contact in an effort to impede the spread of COVID-19. The rapidly changing circumstances of the virus present challenges to the court's normal operating procedures. The judiciary will continue to closely monitor the local circumstances pertaining to the virus, looking at all of the ways in which it might alter procedures to minimize risk while still attending to the court's responsibilities. The judges appreciate the cooperation and patience of the public as we work to implement these changes in procedure. Updates and/or modifications to the provisions of this administrative order shall be made as needed. As more information becomes available or if there are additional changes to court operations, the public will be advised as soon as possible.

Effective Date: This administrative order is effective March 18, 2020 and its precautionary measures shall remain in effect through April 17, 2020, unless extended by further order of the court.

General Restrictions upon Entry into Courthouse: These restrictions will remain in place until further notice.

- If a person has traveled to China, Italy, Iran, Japan, or South Korea (or any other place to which travel restrictions have been placed by agencies of the federal government) within the last 21 days; resides or has had close contact with someone who has traveled to one of these areas within the last 21 days; has been asked to self-quarantine by any hospital, clinic, physician, or health agency; or has been diagnosed with, has had contact with, anyone who has been diagnosed with COVID-19; or has flu-like symptoms including fever, cough, or shortness of breath, he/she must **not** enter the courthouse. Instead, he/she should telephone the Court Administrator at (217) 554-7830 for instructions.
- If the affected person is an attorney or self-represented litigant scheduled to appear before the Court, he/she must notify the Court Administrator, preferably prior to the date of appearance, so that appropriate safeguard measures may be taken.
- A Notice advising the public of these restrictions shall be posted at the entrance to the courthouse and upon the County's website, in a form substantially as that attached hereto.

- The Court strongly encourages litigants not to bring family or friends to court appearances in any case -- civil, criminal, family, juvenile, etc. The courtrooms remain open to the public to the extent required by law, but judges are authorized, and will likely enforce a limit upon the number of persons who may be present and observe proceedings from the public gallery areas; and the limits may be fewer than the capacity of the courtrooms in order to comply with recommended social distancing standards.
- Courthouse patrons observed coughing or sneezing may be asked to wear a mask, which the court will provide if sufficient supplies are available. Such a request must be honored, or the person may be removed from the courthouse.

Courthouse Environment:

- Facility crews shall conduct regular cleanings with an emphasis on disinfecting first-touch areas such as railings, doors knobs, counters, and areas inside elevators and restrooms.
- Hand sanitizer shall be provided throughout the courthouse.

Scheduling and Management of Cases:

- A judge will be available during all regular business hours to hear all matters determined by the court as emergencies and/or essential.
- **Until further notice, all hearings in the following categories of cases are continued and held in abeyance by the judges presiding over them, without the necessity of either party filing a motion to continue, and the parties are directed not to appear:**
 - Civil (L), including Jury Trials
 - Law Magistrate (LM)
 - Small Claims (SC)
 - Miscellaneous Remedy (MR), including Expungements
 - Probate (P)
 - Chancery (CH)
 - Adoption (AD)
 - Domestic Relations and Family (F, D)
 - Child Support (F)
 - Tax (TX)
 - Traffic (TR, DT)
 - Misdemeanor (CM)
 - Conservation Violation (CV)
 - Ordinance Violation (OV)
 - Juvenile Abuse, Neglect, and Dependency (JA) (except as outlined below)
 - Juvenile Delinquency (JD) (except as outlined below)

- This administrative order suspends and continues, during the stay, any and all events and deadlines (with the exception of deadlines concerning any appeal) in the affected cases, including but not limited to any scheduled proceedings, hearings, and/or pleading dates (with the exception of dates affected by any statute of limitation).
- Discovery in civil matters will continue as scheduled.
- Pleadings in all civil cases, including motions and agreed orders, may continue to be E-filed in the manners consistent with Supreme Court Rules.
- All hearings in cases listed above are continued to a date to be authorized by the judge presiding over the division and notice sent to the last known address of each party. In civil cases, the new date shall be coordinated by counsel and/or self-represented litigants through the Court Administrator or Circuit Clerk pursuant to local rule. Each party litigant shall receive an amended notice by mail upon rescheduling. Litigants are directed to ensure that their mailing address on file with the Circuit Clerk is updated and current. Attorneys and litigants should also monitor cases rescheduled on the County's website: www.vercountty.org.
- Notices in civil matters shall be prepared and served by the plaintiff/petitioner. Notices in the traffic/misdemeanor division shall be prepared and served by the Circuit Clerk. Notices in child support cases filed by the State shall be prepared and served by the Attorney General.
- The foregoing notwithstanding, the judge presiding over a case has the discretion to conduct hearings via telephone conferencing in lieu of postponement/continuance and will advise attorneys and self-represented litigants accordingly.
- At the discretion of the presiding judge, **Specialty Court** hearings and/or treatment related group meetings may be, but need not be, continued to a date to be set by the presiding judge without ramifications, or may be relocated to larger areas within the courthouse to accommodate social distancing. If such hearings are postponed, the weekly staffing may be conducted in person or by telephone conferencing where available.
- Matters determined by the judge presiding over the division to be **emergencies** will be heard in-person or by telephone conference on a case-by-case basis. Attorneys and self-represented litigants should contact the Court Administrator at (217) 554-7830 for purposes of requesting the scheduling of an emergency matter.
- **The following court proceedings will be held as scheduled**, with appearances expected for all litigants, unless the travel or health appearance restrictions apply (see above), all of which are deemed "essential matters":

- All bail and bond review hearings and arraignments
- Hearings related to violations of supervision and probation for in-custody defendants
- Subpoena Returns for in-custody defendants
- Other criminal law matters with the defendant in-custody at the discretion of the presiding judge
- Criminal Felony jury trials for defendants in custody and/or who have filed speedy trial demands
- Grand jury proceedings
- Motions involving Statutory Summary Suspension
- Juvenile Abuse, Neglect, and Dependency (JA) shelter care hearings
- Juvenile Delinquency (JD) detention hearings
- Juvenile Delinquency (JD) adjudicatory hearings for in-custody minors
- Mental Health hearings
- Petitions for Emergency and Plenary Orders of Protection, Stalking/No-Contact Orders, or Civil No-Contact Orders (OP)
- Emergency hearings on family matters (D and F) as scheduled by the Court Administrator after approval of the judge presiding over the division

Sunday/Holiday Bond Court: Sunday/Holiday Bond Court hearings will be conducted remotely through use of the court's video conferencing system.

Docket Management:

- Transfer practices for persons held in custody in the Public Safety Building will be reviewed and the court will utilize video conferencing for proceedings for which the defendant's appearance is non-essential.
- Essential matter proceedings shall occur in a manner consistent with a policy of mitigating the impact of COVID-19.
- Attorneys and self-represented litigants are encouraged to use the E-file system to submit uncontested proposed orders.
- During all proceedings, counsel and parties shall remain seated at counsel table and maintain a safe distance between themselves, other counsel, and courtroom personnel at all times, unless otherwise allowed by the judge presiding over the hearing.
- Attorneys or litigants who are unable to be present in courtrooms may be able to appear remotely through use of the court's telephonic system, with the permission of the judge presiding over the hearing. To schedule such an appearance through this system, attorneys and litigants should call the Court Administrator at (217) 554-7830.
- If a litigant has an essential matter scheduled and begins to feel ill, he/she should contact the opposing party or attorney to explore an agreed continuance. If there is no

agreement, the litigant should contact the Court Administrator or Circuit Clerk's office to advise of their medical condition. Judges will consider on a case-by-case basis a request for a continuance of the hearing date. It is recommended that such requests be supported by medical documentation of the medical condition.

Plea Hearings: Plea agreements may be considered by the judge presiding over the division upon request. Attorneys are encouraged to schedule, through the Court Administrator or Circuit Clerk, plea hearings, particularly for in-custody defendants.

Appeal Rights/Notices: The parties to both civil and criminal cases are cautioned that nothing contained in this administrative order affects the rights to or deadlines concerning an appeal from any decision of the court. That is, the deadlines for filing a notice of appeal remain in place and must be followed to preserve appellate rights.

Statutes of Limitations: The parties to both civil and criminal cases are cautioned that nothing contained in this administrative order affects the rights to or deadlines concerning an applicable statute of limitation. That is, the deadlines for filing an initial pleading remain in place and must be followed to preserve the cause of action.

Jury Service: Trial by jury is a constitutional right, and as such, the court system cannot function without juries. The court shall, however, minimize the need for jurors to be summoned to the courthouse. While some jurors will still be summoned, reducing the numbers summoned will create a less congested environment and increase the personal space available for summoned jurors.

- All civil jury trials scheduled to begin prior to April 20, 2020 are continued by order of the court. Counsel shall coordinate new trial dates through the Court Administrator.
- All criminal jury trials scheduled to begin prior to April 20, 2020, and in which the defendant is not in custody and no speedy trial demand has been filed, are continued by order of the court. Counsel shall coordinate new trial dates through the Court Administrator.
- A juror summoned for jury service, who is experiencing acute respiratory illness symptoms (cough, shortness of breath, headaches), flu-like symptoms, fever, or are coughing or sneezing, should contact the Jury Commission Coordinator on weekdays between 8:30 a.m. and 4:30 p.m. at (217) 554-7845 and report these symptoms. Jury duty service will be deferred to a later date.

Traffic Tickets: The public should be reminded that certain traffic tickets may still be paid by mail, online, or at the Circuit Clerk's window. For more information, the public should call: (217) 554-7720.

Employees:

- All courthouse employees are encouraged to wash their hands often with soap and water for at least 20 seconds; avoid touching their eyes, nose and mouth with unwashed hands; stay home when sick; avoid close contact with people who are sick; and clean and disinfect frequently touched surfaces and objects.
- The court's directive to its employees is: "If you are sick, stay home!" However, the court realizes that honoring that request may be difficult if an employee has limited sick time. The County is formulating policies to soften the blow for employees affected by the COVID-19 so as to prevent unwell employees from coming to work.
- An employee who reports to work exhibiting symptoms of sickness will be sent home immediately. The employee will not be allowed to return to work until free of fever and other symptoms of illness for at least 24 hours, without the use of fever-reducing or other symptom altering medicines.

Courthouse Events/Travel: All scheduled courthouse trainings, educational events, and all non-essential travel are canceled until further notice.

Adult and Juvenile Probation: Probation Services remains open, with restrictions on in-person contacts.

- A plan has been implemented by the Director of Probation Services to limit in-person contacts and suspend certain large group meetings; a copy of said plan is attached hereto.
- Probationers should contact their probation officer via telephone and follow their directions. Probationers should not appear at the probation office.

State's Attorney Office and Public Defender Office: These offices will remain open but will be subject to the determination of the State's Attorney and the Public Defender regarding face-to-face appointments.

Juvenile Detention: The Detention Center may implement emergency visitation and transport procedures for minors held at the Detention Center in order to minimize potential exposure to COVID-19. Non-essential personnel/visitors may be denied access to the facility to ensure the health and safety of minor detainees and Detention Center staff.

Marriages and Civil Unions: The court will continue to perform marriage and civil union ceremonies in the courthouse. However, only the two individuals being married or joining in a civil union are permitted to attend the ceremony. Additional people, including family and friends, will be denied access to the courthouse, and not allowed to attend the ceremony.

Miscellaneous:

- The court may issue further orders as necessary to address the circumstances arising from the COVID-19 pandemic.
- Many divisions and dockets present unique challenges and issues. The presiding judge in each division is afforded discretion to address issues not covered by this administrative order as he/she deems appropriate under the circumstances, and to enter such orders not inconsistent with the provisions of this administrative order.
- This administrative order shall be posted upon the County's website.
- It is further ordered that this order be filed in the Office of the Circuit Clerk of Vermilion County, Illinois and be made available to the members of the bar and public.
- This Administrative Order is effective *instantly*.

ENTERED this 17th day of March, 2020.



Thomas M. O'Shaughnessy, Presiding Judge

YOU SHOULD NOT ENTER THE COURTHOUSE IF YOU:

- You have been in China, Italy, Iran, or South Korea within the last 14 days;
- You reside or have had close contact with someone who has been in one of these countries within the last 14 days; or
- You have been asked to self-quarantine by any hospital, clinic, physician, or health agency; or
- You have been diagnosed with, have had contact with, anyone who has been diagnosed with COVID-19; or
- You have flu-like symptoms including fever, cough, or shortness of breath.

Instead, you should immediately call the Court Administrator at 217/ 554-7830 and report your situation for instructions on how to proceed.

If you have a scheduled appearance or were otherwise directed to attend court today, you will not be penalized for your absence provided you call the Court Administrator.