

IN THE CIRCUIT COURT  
OF THE FIFTH JUDICIAL CIRCUIT  
CHARLESTON, COLES COUNTY, IL

ADMINISTRATIVE ORDER NO. 2021-5

RE: 2021 COURT OPERATIONS --  
EFFECTIVE JUNE 1, 2021

The Circuit Court for Coles County of the Fifth Judicial Circuit of Illinois adopts the following Administrative Order pertaining to Court Operations effective June 1, 2021 during the continuing Coronavirus (COVID-19) Pandemic:

**WHEREAS** on March 9, 2020, the Governor of the State of Illinois declared a State of Emergency in response to COVID-19, and, on March 20, 2020 the Governor issued Executive Order # 8. Since that date the Governor has issued additional Executive Orders addressing health restrictions and activities in the State. Most recently he has issued Order 2021-10 (Bridge Phase Order) and 2021-11;

**WHEREAS**, on March 17, 2020, the Illinois Supreme Court entered an Order, *In Re: Illinois Courts Response to Covid-19 Emergency, MR. 30370*, directing all courts to establish and periodically update temporary procedures to minimize potential exposure to and the impact of the COVID-19 pandemic on judicial operations while continuing to provide access to justice; since that date the Supreme Court has entered several additional orders addressing circuit court operations during the pandemic, including most recently Orders of May 27 and 28, 2021.

**WHEREAS**, on March 17, 2020, the Presiding Judge of Coles County entered **Administrative Order 2020-2** directing that measures be taken in response to the pandemic, intending to balance health and safety concerns with the need to continue the essential court services to the citizens of Coles County; All of these measures restricted access to the Coles County Courthouse, incorporated the use of video and teleconferencing to minimize personal contact, followed social distancing practices, all subject to the discretionary exceptions authorized by each judge presiding over a specific case. Coles County Courts have operated since June 1, 2020, by providing essential court services, and, in doing so have continued to monitor all health guidelines to minimize risk and prevent spread of virus.

**WHEREAS**, in recent weeks the State of Illinois and Coles County have experienced significant progress in the management of the COVID-19 pandemic, including the administration of vaccines to a large portion of the adult population, resulting in a marked decrease in the number of positive cases, hospitalizations and deaths. The Governor of the State of Illinois has removed various health restrictions on activities based upon various factors including CDC and IDPH guidelines, resulting in the further opening up of the State of Illinois for more regular activities.

**WHEREAS**, the Presiding Judge, acting on behalf of the Circuit Judges of Coles County, having considered the recommendations of the CDC, IDPH, local health agencies and in conjunction with the Governor's Executive Orders and Illinois Supreme Court Orders, deems that public health conditions within the County permit the continuance of full court operations and services to the citizens of the County, while still protecting the health and welfare of all Courthouse employees and patrons, and the community at large, and hereby adopts the following provisions:

1. **Effective Date:** This Order is effective June 1, 2021 and its measures shall remain in effect until amended or modified by further order. The provisions of Administrative Orders 2020-2 through 2020-8 and 2021-1 are hereby supplemented, and, to the extent inconsistent herewith, superseded.

2. **Court Operations:** All court-related offices will operate at full capacity, subject to the discretion of elected office-holders and department heads who shall determine how to best implement staffing within their respective offices.

It is the intention of the Courts to continue to respect public health recommendations regarding social distancing and mask or facial covering wearing in the courtrooms as may be necessary to provide a safe and healthy environment.

3. **General Restrictions Upon Entry into Courthouse:** Entry into the Courthouse may still be restricted or denied to any person who is determined to pose a health risk. Any person who has recently tested positive for COVID-19, who has been ordered to quarantine or isolate due to exposure or confirmation of a positive test, or who has flu-like symptoms including fever, cough or shortness of breath, should not enter the Courthouse and should **immediately** contact the Circuit Clerk's office or their attorney and advise of their inability to be present.

A. **Health Screenings.** All persons entering the Courthouse are subject to questioning to determine compliance with general restrictions for entry, namely if they have any health issues or symptoms, or, if they are subject to any quarantine or isolation orders.

B. **Masks and Facial Coverings.** The CDC has removed the mask mandates requirements for those who have been vaccinated; however, due to the large groupings of persons and limited spaces certain calls experience, the Court will still require mask use in the courtrooms of the Courthouse. The following mask rules shall otherwise apply:

1. Anyone entering the Courthouse for court purposes must have a mask unless otherwise excused by the judge, security officer or probation officer. All persons entering the Courthouse are expected to have their own face-covering.

2. All non-vaccinated persons must wear a mask or facial covering **at all times** while in the building for court purposes unless permitted to remove it by the judge presiding in the courtroom;

3. Vaccinated persons are not required to wear a mask while in the common areas of the building; however, all persons including vaccinated persons must wear a mask while in a courtroom unless otherwise excused by the judge presiding in that courtroom at that time.

**C. Courthouse Environment.** Maintenance crews shall continue to conduct regular cleanings with an emphasis on disinfecting frequently touched surfaces such as railings, door knobs, counters, benches and areas proximate to the elevators.

**D. Courtroom Conduct.** All counsel, litigants and court attendees shall maintain a safe distance between themselves, and judges or court security may otherwise direct them where to position themselves within the courtroom.

## **CRIMINAL & TRAFFIC COURTS**

### **1. FELONY COURT**

The court will continue to manage the size of high volume calls by staggering the start times of cases throughout the day. All defendants must appear as ordered by the Court unless specifically excused by the Court for health-related reasons.

**A. Bond Court.** Bond Court hearings shall be conducted remotely through use of the court's video conferencing system at 1:00 pm on those days when felony court is not regularly held, and, on Sunday/Holiday Court hearings at 8:30 am unless otherwise scheduled by the judge presiding over said hearing. All other bond court hearings will be conducted in person.

**B. In Custody (Inmates) Cases.** Defendants who are in CCSD custody in all felony and misdemeanor cases shall appear in person and in the courtroom, except bond court and any other cases that the then presiding judge deems necessary to appear remotely. In those instances, the hearing will be conducted via ZOOM video or other similar media.

## 2. MISDEMEANOR and TRAFFIC COURT

The court will continue to manage the size of high volume calls by staggering the start times of cases throughout the day. All defendants must appear as ordered by the Court unless specifically excused by the Court for health-related reasons.

3. **Jury Trials.** In conjunction with guidance and Orders from the Illinois Supreme Court, Coles County courts will continue to conduct jury trials.

The court, jury commissioner and Circuit Clerk shall implement precautionary measures to maintain public health social distancing recommendations in order to best protect the health and safety of prospective jurors, attorneys, litigants, personnel and patrons. Potential jurors can request deferment of his/her service term for COVID-related reasons by contacting the jury commissioner.

4. **Warrants and Body Attachments.** The Court, in its discretion, will resume issuing warrants or body attachments for, amongst other things, failure to appear in Court as ordered. The judge may set bond at \$0 (with a Notice to Appear) or, may set a cash bond **that the defendant must post** before being released. In those instances where the Court has set a cash bond amount, the defendant should be taken into custody to post the requisite bond amount or otherwise be brought before a judge in a timely manner. Should an officer have a concern about his/her health or safety in taking a misdemeanor or traffic defendant into custody, said defendant may be released with a Notice to Appear without posting bond. Should an officer have a concern about his/her health or safety in taking a felony defendant into custody, the officer should contact the States Attorney's office for instruction.

5. **Periodic Jail Sentences.** The Courts and Coles County Safety and Detention Center (CCSD) will resume allowing the serving of certain periodic jail sentences, namely "weekend" sentences unless otherwise determined to be unsafe on a case-by-case basis. CCSD staff shall conduct necessary health screenings on any inmate reporting for a weekend sentence, and may decline admission if the inmate is determined to pose a health risk to officers or inmates. In such an instance, the CCSD shall notify the States Attorney office. Due to ongoing COVID-19 concerns, work release sentences will not resume at this time.

## CIVIL COURT CASES

1. **Small Claims Court.** In order to further minimize in-person appearances and contact in the Courthouse, small claims court shall continue to be conducted pursuant to the **Attached Memorandum (#1)**. In addition, the Court may schedule in-person appearances on matters such

as bench trials, rules to show cause and citations, but will not hold regular “payment status” hearings. Citation and wage garnishment proceedings may proceed in conjunction with state and federal orders in place at the time.

**2. LM (Landlord/Tenant) and Civil Division.**

All LM (Landlord/Tenant/Eviction) Cases will be conducted in person unless the presiding judge authorizes appearance via telephone or video. Permission to appear via phone or video must be obtained at least 24 hours in advance of the scheduled appearance.

LM/ Eviction proceedings will be conducted in conjunction with the then existing state and federal orders addressing evictions. At this time Eviction proceedings must comply with the Illinois Supreme Court Order 30370 entered on December 22, 2020, and any other applicable orders. All litigants whether represented by an attorney, or, self-represented are expected to be familiar with the applicable eviction rules and regulations that are in effect;

**3. Family Law and Divorce Divisions.** All family law, divorce and Order of Protection hearings will be conducted in person. The judge presiding over a specific case may authorize appearance via Zoom, telephone or similar media in certain matters such as status and case management hearings. All contested matters and settlement prove-ups shall be conducted in person.

Initial hearings on Emergency Orders of Protection and Stalking No Contact Orders will be on Monday, Tuesday, Thursday and Friday at 1:00 pm. Only petitions filed before 11:30 am will be reviewed for determination if an ex parte hearing will occur that day. Any petitions filed after 11:30 am will then be considered for hearing on the next available weekday.

**4. Post-Judgment Proceedings.** Pursuant to the Governor’s Executive Orders, the issuance of summonses for Wage Deduction and Citation to Discover Asset proceedings remains stayed. Once this stay is lifted, creditors may resume post-judgment collection proceedings. The Court will enter Wage Deduction and Turnover Orders for those cases where summons was issued prior to April 14, 2020.

**MISCELLANEOUS**

**1. Adult and Juvenile Probation.** The Department of Court and Probation Services will operate at full capacity, subject to the Director’s discretion to limit contact on a case-by-case basis. Probationers shall report to their officers as ordered by the officer.

**2. Marriages and Civil Unions.** The Court will perform marriage and civil union ceremonies in the Courthouse. Only the two individuals being married or joined in civil union

are permitted to attend the ceremony. The judge presiding over the ceremony may authorize additional persons to attend upon proper request.

Entered this 1st day of June, 2021



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Mark E. Bovard, Presiding Judge

## Notice Regarding Small Claims

Effective January 1, 2021 the following changes shall occur in Small Claims Proceedings. All previously set hearings shall remain set for the purposes they have been set. These changes are in large part due to the COVID 19 Pandemic but are permanent changes.

1. Small claims shall be filed using a 30-day summons. The summons shall set forth the information contained in paragraph 2 and 3 of this notice. A form summons is available in the Circuit Clerk's Office.
2. Defendants will file their Entry of Appearance along with their fee or obtain a waiver of fee.
3. After 30 days if the defendant has not filed his entry the Plaintiff may file a Motion for Default Judgment.
4. Small Claims Court shall occur one Thursday of each month (this will generally be the third Thursday). Initial appearance or Motion for default Judgment shall be set by the Plaintiff at 9:00 am on this Thursday. The hearing date shall be arranged through the Circuit Clerk (217) 348-0516. These hearings shall be held via conference call (Call in number: (217)348-9450; Access #: 0515896). The call in information will appear on the Notice of Hearing. The party setting the hearing shall notify the other party using a Notice of Hearing similar to that attached to this Notice. From this hearing generally either a Judgment will be entered or a trial date will be set.
5. Small Claims Bench Trials shall occur on the Thursday of each month set for Small Claims commencing at 1:00pm (the afternoon session). Trials shall be in person unless otherwise ordered by the court.
6. **There will no longer be general Proof of Payment dates.** If a Payment order is violated than the Plaintiff must file an appropriate pleading. Citations to Discover Assets shall be set in the afternoon session and shall be heard and concluded on the date of hearing unless good cause is shown for the continuance. Citations and Wage Deductions will begin upon the termination of the moratorium. Citation hearings shall be in



## **Notice to Defendant**

**Take Notice** that you must Enter your Appearance in this cause and pay any Appearance Fee to the Circuit Clerk of Coles County not later than 30 days after Service of Summons. In the event you fail to do so a DEFAULT JUDGMENT may be entered against you. Entry of Appearance Forms are available in the Coles County Circuit Clerks Office.

In the event you believe you qualify for a Waiver of Court Fees you must file an Application for Waiver of Fees and your Entry of Appearance within 30 days of Service. Application for Waiver of Fees is available in the Coles County Circuit Clerk's Office.

Upon the filing of an Entry of Appearance and the Payment of the Appearance Fee or Entry of an Order Waiving Fees either party may request this matter set for a First Appearance. The Court date must be arranged through the Circuit Clerk of Coles County, (217) 348-0516 and Notice of Hearing must be sent. This Notice will be in the form available through the Circuit Clerk's Office. The Initial Appearance will be held through Conference Call (Call in #: (217) 348-9450; access # 0515896).

**This Notice shall be attached to ALL Small Claims Summons**