

## IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

In response to the measures necessitated by the evolving COVID-19 pandemic, including, but not limited to, executive orders of the State of Illinois, Cook County, the City of Chicago, and other local municipalities, *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities (Mar. 23, 2020)* of the U.S. Centers for Disease Control and Prevention, Cook Co. Cir. Ct. G.A.O. No. 2020-01 (amended April 3, 2020, as amended) is hereby amended as follows.

### **GENERAL ADMINISTRATIVE ORDER: 2020-01 (amended May 28, 2020)**

#### **SUBJECT: COVID-19 EMERGENCY MEASURES**

In light of the global coronavirus pandemic (COVID-19), and in order to protect the health and safety of the general public, the court's judges and employees, and the staffs of elected officials, after conferring with the offices of the Cook County State's Attorney, Public Defender, Sheriff, Circuit Clerk, County Board President, the Circuit Court Executive Committee, and representatives of the private bar, and pursuant to Ill. S. Ct. R. 21(b) and the court's inherent authority,

**IT IS HEREBY ORDERED** that, except as provided below or until further order of court, all matters in all Districts and Divisions of the court are rescheduled and continued for a period of 30 days from the currently scheduled court date, or the date as noticed by the clerk in accordance with this order, or a date not more than 30 days after July 6, 2020, whichever is later, unless the 30th day falls on a weekend or court holiday, in which case it shall be continued until the following business day;

**IT IS FURTHER ORDERED** that, except as necessary for the purposes enumerated below or as otherwise directed by the chief judge, all judges and employees of the court, except those who are essential for essential court operations, shall work remotely and conduct business telephonically or by videoconference;

**IT IS FURTHER ORDERED** that, effective March 14, 2020, the sheriff of Cook County shall cease enforcement of eviction orders relating to residential real estate and shall resume enforcement of said orders upon further order of court; the time period in which such orders expiring before July 6, 2020, must be enforced pursuant to 735 ILCS 5/9-117 is extended 60 days from the current expiration date, but not later than August 17, 2020 (Supreme Court Order M.R. 30370 is applicable);

#### **IT IS FURTHER ORDERED:**

##### **1. ALL DIVISIONS AND DISTRICTS:**

- a. Judges will be available in person or remotely in each division and district to hear emergency matters, as determined by the Presiding Judge of the respective division or district;
- b. Except as otherwise ordered by the assigned judge, to the extent it is reasonably possible, all hearings shall be conducted by videoconferencing, so that the only persons physically in the courtroom are those persons essential to activities that

require that person to be in the courtroom; at the discretion of the judge presiding, if it is not reasonably possible to conduct a hearing by videoconference, it may be conducted by teleconference;

- c. The judge presiding, together with the sheriff, shall take necessary and appropriate measures to ensure the following:
  - i. At no time shall there be more than 10 (ten) persons in the courtroom at the same time;
  - ii. At all times, all persons in the courtroom shall maintain a minimum distance of 6 (six) feet from all other persons in the courtroom;
- d. Judges shall review pending cases to determine a new date that cases can be scheduled (triage of cases on a case-by-case basis);

**2. PRETRIAL DIVISION:** Bail hearings, including motions to review bail, will be conducted daily at the Leighton Criminal Court Building;

**3. CRIMINAL DIVISION:**

- a) Preliminary hearings and arraignments that have commenced as of the effective date of this order will proceed as scheduled.
- b) Court will be in session for plea agreements; priority will be given to defendants who are in custody;
- c) Any delay resulting from this emergency continuance order shall not be attributable to either the State or the defendant for purposes of sections 103-5 (speedy trial), 109-3.1 (preliminary examination or hearing), and 113-6 (arraignment) of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5, 725 ILCS 5/109-3.1, and 725 ILCS 5/113-6);

**4. JUVENILE JUSTICE DIVISION:**

- a. Juvenile detention hearings, including all motions to review detention, and other emergency matters will be conducted daily at 1100 S. Hamilton Ave., Chicago;
- b. Any delay resulting from this emergency continuance order shall not be attributable to either the State or the juvenile for purposes section 5-601 of the Juvenile Court Act (705 ILCS 405/5-601);

**5. CHILD PROTECTION DIVISION:** All temporary custody hearings and emergency motions will be heard as scheduled; except as otherwise ordered by the assigned judge, to the extent it is reasonably possible, all hearings shall be conducted by videoconferencing, so that the only persons physically in the courtroom are those persons essential to activities that require that person to be in the courtroom;

**6. CHANCERY DIVISION:** There shall be a moratorium on final judgments and executions of judgments in mortgage foreclosure proceedings; all mortgage foreclosure judgments, evictions in furtherance of a foreclosure, and foreclosure sales are stayed until July 19, 2020. This includes any court order in furtherance of a foreclosure such as an Order for Default and Summary Judgment Orders and Orders Approving Sales. Other



contested motions may continue to be litigated and ruled upon by the Court, including but not limited to discovery motions, special representative motions, and receiver motions.

7. **LAW DIVISION:** All matters currently scheduled to be heard between the entry of this amended order and July 3, 2020, shall be rescheduled and continued for 56 days; all matters currently scheduled to be heard after July 3, 2020, shall be rescheduled and continued for 35 days;

**8. MUNICIPAL DEPARTMENT, CRIMINAL CASES/TRAFFIC CASES**

- a. All in-person traffic and misdemeanor matters are hereby continued until further order of court; notice of new court date shall be provided by the circuit clerk; the circuit clerk shall provide postcard notice to the defendant; emergency proceedings in misdemeanor cases will be heard as provided in § 8(c) herein;
- b. In Districts 2-6, the arresting agency shall provide appropriate equipment to enable defendants to participate in their bail hearings by videoconference; if, due to extenuating circumstances, the arresting agency is unable to facilitate videoconferencing for a bail hearing, the arresting agency shall deliver custody of the defendant to the sheriff at the appropriate courthouse, and the sheriff shall provide the equipment and location for a bail hearing by videoconference;
  - i. When a defendant is released by the court without the posting of monetary bail, the arresting agency shall release the defendant from its custody at the place of detention;
  - ii. When a defendant is required to post monetary bail and the defendant or a third party is able to post said bail at the conclusion of the bail hearing, the arresting agency shall take the bail in accordance with the provisions of Section 110-7 or 110-8 of the Code of Criminal Procedure (725 ILCS 5/110-7 or 725 ILCS 5/110-8) and release the defendant to appear in accordance with the conditions of the bail bond;
  - iii. When a defendant or a third party is denied bail or is unable to post required monetary bail at the conclusion of the bail hearing, the arresting agency shall deliver custody of the defendant to the sheriff of Cook County at the Cook County Department of Corrections, 2700 S. California Ave, Chicago, Ill., or such other location as is designated by the sheriff;
- c. The branch courts in the city of Chicago at 3150 West Flournoy Street, 5555 W. Grand Ave., and 727 E. 111th St. shall cease all court operations at the close of business on April 3, 2020, and all proceedings normally heard at those locations, including those heard at Branches 23, 29, 35, 38, 43, and 44, shall be heard at the Leighton Criminal Court Building until further order of the court;
- d. All proceedings normally heard in Branches 42 and 50, including preliminary examinations or hearings, shall continue to be heard in the Second District;
- e. The Traffic Safety School requirement for the disposition of supervision shall be suspended until further order of court.

**9. ADULT PROBATION DEPARTMENT, SOCIAL SERVICE DEPARTMENT, AND JUVENILE JUSTICE AND COURT SERVICES DEPARTMENT:** Probation

officers and social service caseworkers shall contact clients to schedule essential meetings, which are to be held only by either video conference or teleconference; Pretrial services will notify clients of new court dates and not to appear in person until notified.

**10. CIVIL MATTERS, ALL DIVISIONS AND DISTRICTS:**

- a. Matters deemed by the judge presiding to be emergencies shall be heard and may be conducted either in-person or via videoconference or teleconference;
- b. Except for oral depositions, discovery shall continue as scheduled;
- c. Where it is not reasonably possible to conduct an oral deposition for reasons related to the COVID-19 emergency, the parties shall use best efforts to postpone the deposition by agreement and stipulation for a period not to exceed 60 days; absent such agreement, the proceedings shall be deferred until such later date as the court can review the matter and issue appropriate directives; nothing in this order shall be construed to limit the discretion of the judge presiding to determine the merits of an attorney's inability to comply with an oral deposition;
- d. In no event shall participants in litigation be penalized if discovery compliance is delayed for reasons relating to the COVID-19 emergency;

**11. CIVIL NO CONTACT ORDERS, CIVIL ORDERS OF PROTECTION, FIREARMS RESTRAINING ORDERS, STALKING NO CONTACT ORDERS:**

- a. Petitions for emergency orders shall be heard at 555 W. Harrison St., Chicago, and in Municipal Districts 2, 3, 5, and 6;
- b. Petitions for any of the following sought in connection with a Domestic Relations or Probate case shall be heard at the Richard J. Daley Center or remotely:
  - i. emergency civil no contact orders;
  - ii. emergency civil orders of protection;
  - iii. emergency stalking no contact orders;
- c. Petitioners for civil no contact orders, civil orders of protection, and stalking no contact orders may participate in hearings by videoconference;

**12. DOMESTIC VIOLENCE DIVISION:** When a defendant in a criminal case at 555 W. Harrison St., Chicago, Ill., is denied bail or is unable to post required monetary bail at the conclusion of the bail hearing, the arresting agency shall transport the defendant to the Cook County Department of Corrections, 2700 S. California Ave, Chicago, Ill., or such other location as is designated by the sheriff;

**13. COUNTY DIVISION:** Mental health hearings will be held as scheduled.

**14. GRAND JURY:** No new grand jury shall be empaneled before June 8, 2020. Grand juries whose terms expire on or before May 29, 2020, shall be extended until June 5, 2020;



**15. FILING INITIAL AND RESPONSIVE PLEADINGS, RESPONSIVE MOTIONS:**

Initial and responsive pleadings and responsive motions may be filed in person or by electronic filing with the circuit clerk;

**16. MANDATORY ARBITRATION:** All hearings shall be rescheduled and continued for a period of 60 days from the currently scheduled date, but not later than August 17, 2020; if the 60th day falls on a weekend or court holiday, it shall be continued until the following business day;

**17. FORENSIC EXAMINATIONS:** in criminal cases, all forensic examinations of defendants, both adult and juvenile, shall be rescheduled and continued for a period of 60 days from the currently scheduled date or the date of the order requiring such examination, whichever is later, but not later than August 17, 2020; if the 60th day falls on a weekend or court holiday, it shall be continued until the following business day;

**18. BAIL, FEES, COURT COSTS, AND PENALTIES, CRIMINAL CASES:**

a. Pursuant to Cook County Code § 18-49,

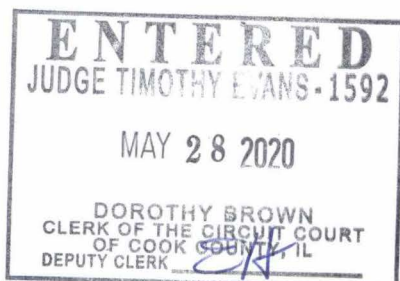
- i. The circuit clerk shall not deduct any fees, court costs, or penalties from bail bond funds posted by a Charitable Bond Fund or other Third-Party Surety without the surety's voluntary, written consent;
- ii. The circuit clerk shall not use bail bond funds posted by a Charitable Bond Fund or other Third-Party Surety to pay attorney fees, including reimbursement for representation by the public defender, without the surety's voluntary, written consent;
- iii. At the conclusion of the case, the circuit clerk shall return all available funds posted by a Charitable Bond Fund or other Third-Party Surety to the surety;

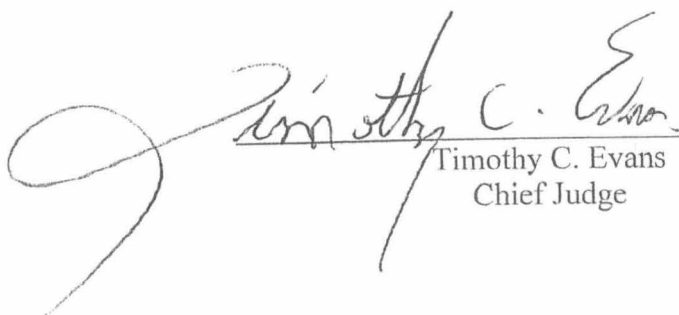
b. Pursuant to 705 ILCS 105/27.3B, where a charitable bond fund or other third party surety posts cash bail for a defendant, the clerk shall accept payment by credit card, debit card, or other electronic funds transfer and shall not collect the service fee authorized by said statute;

**19. OTHER:** Non-essential gatherings, meetings, and travel are canceled, and orders to attend programs, including, but not limited to, Traffic Safety School and SWAP, are entered and continued until rescheduled; no marriages will be performed in Marriage Court until July 6, 2020, or until further order of the court; as needed, further information will be published on the court's website: <http://www.cookcountycourt.org>.

Dated this 28th day of May, 2020, and effective immediately.

ENTER:



  
Timothy C. Evans  
Chief Judge