

Chris Kachiroubas
e-filed in the 18th Judicial Circuit Court
***** DuPage County *****
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ROSE,SARAH

<https://epay.18thjudicial.org> (*epay*). The Circuit Court Clerk will also send notice by mail to all interested parties.

IT IS FURTHER ORDERED that, other than those matters subject to the exceptions listed under each division herein, all Chancery, Domestic Relations and Law matters currently scheduled on or between May 18, 2020 and June 5, 2020 shall remain on their currently scheduled court dates and will be handled by the assigned judge using the method and procedure for remote proceedings outlined under each division herein. Any future court dates will be set by the assigned judge and can be viewed by attorneys at <https://eaccess.18thjudicial.org> (*eaccess*) and by the general public at <https://epay.18thjudicial.org> (*epay*).

IT IS FURTHER ORDERED that as a result of this Order traffic courts in Addison, Downers Grove, and traffic courtrooms 1001 and 1003 inside the DuPage County courthouse remain closed through June 5, 2020.

IT IS FURTHER ORDERED that the DuPage County courthouse remains open for essential court business on a limited scale consistent with this Order from 8:00 A.M. to 4:30 P.M. daily.

IT IS FURTHER ORDERED AS FOLLOWS:

ALL DIVISIONS: Judges will be present in each division to handle emergency motions and matters deemed by the Court as essential to proceed based upon Constitutional, statutory or local court rule or Illinois Supreme Court Rule.

- a. Judges should use video or telephone conferences for court proceedings, whenever practicable.
- b. Judges should enforce social distancing by reasonably limiting the number of persons and their time spent inside the courtroom and by requiring persons to maintain six-foot social distancing.
- c. Judges should waive a litigant's appearance, whenever possible.

TRIALS

- a. All trials are continued pursuant to the authority of Illinois Supreme Court Order M.R. 30370 (effective April 7, 2020) and by Administrative Orders 20-9, 20-16, 20-18 and 20-20. Continuances occasioned by Order M.R. 30370 serve the ends of justice and outweigh the best interests of the public and defendants in a speedy trial. Therefore, such continuances shall be excluded from speedy trial computations contained in section 103.5 of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5 (West 2018) and section 5-601 of the Illinois Juvenile Court Act (705 ILCS 405/5-601 (West 2018)). Statutory time restrictions in section 103-5 of the Code of Criminal Procedure of 1963 and section 5-601 of the Juvenile Court Act shall be tolled until further order of this Court.
- b. All Criminal and Juvenile division trials, other than those subject to the exceptions listed under each division herein, shall be rescheduled by the Circuit Court Clerk to a future court date consistent with this Administrative Order for status and setting.

- c. All Criminal and Juvenile division trials subject to the exceptions listed under each division herein shall be rescheduled by the assigned judge to a future court date consistent with this Administrative Order.
- d. All Civil division trials shall be rescheduled by the assigned judge to a future court date consistent with this Administrative Order.
- e. No Criminal division jury trials shall take place before July 20, 2020.
- f. No Civil division jury trials shall take place before August 24, 2020.

REMOTE PROCEEDING: A remote proceeding is one handled either telephonically or by video conferencing using CourtCall, Zoom or any other platform acceptable by the assigned judge. When using the Zoom platform; the following rules apply in addition to the rules established by the assigned judge:

- a. All proceedings conducted remotely shall be conducted with the same standards as hearings in a physical courtroom and in accordance with the Illinois Rules of Civil Procedure or the Illinois Rules of Criminal Procedure, the Illinois Supreme Court Rules, Local Court Rules of the Eighteenth Judicial Circuit Court and all other applicable rules and laws.
- b. All persons attending a remote hearing, including attorneys, parties, and witnesses, shall wear appropriate attire and present themselves in compliance with court rules as they would if appearing in a physical courtroom.
- c. All attorneys, parties, witnesses, and other direct participants in a remote hearing shall ensure that there are no interruptions or distractions for the duration of their appearance at the remote hearing. Parties and attorneys participating in remote proceedings may not talk over other participants.
- d. Attorneys, parties, and witnesses shall sign into the remote hearing using both their first and last names, with attorneys adding "Attorney" in front of their name (an attorney named John Doe would use "Attorney John" for a first name and "Doe" for a last name).
- e. The precise method in which a remote hearing is conducted remains within the discretion of the presiding judge or the judge specially assigned to the case, within the bounds of applicable rules, laws, and practice procedures.
- f. Upon conclusion of the hearing, the Circuit Court Clerk shall not be obligated to maintain any proposed exhibits, stipulations, or other documents submitted by a party.
- g. Record of remote proceedings shall be made by the Court Smart recording system in the judge's courtroom. **Private recording of these proceedings is strictly prohibited.** Use of Zoom breakout rooms will be permitted if the Court approves the request. If the parties fail to appropriately communicate during the proceedings, the Court may terminate the hearing.

CRIMINAL MATTERS

1. Bond Court

- a. All initial bail hearings conducted Monday through Friday, except those in which an order of no bail is sought pursuant to 725 ILCS 5/109-1 (a), and all motions to modify bond for in-custody defendants shall be heard in video bond court in courtroom 4016 at 8:00 A.M.
- b. Afternoon bond court shall be heard in video bond court in courtroom 4016 at 4:00 P.M.
- c. Weekend and holiday video bond court will continue to be heard in courtroom 1000 at 8:00 A.M.
- d. Remote bail hearings using the Zoom platform for persons held in Cook County jail on a DuPage County warrant or persons held at a law enforcement agency on a DuPage County charge who do not meet the COVID-19 screening criteria of the DuPage County jail shall be conducted during business hours Monday through Friday.

2. Felony Division

Courtrooms 4000, 4002 and 4016 are physically open to handle all essential court business outlined herein in the Felony division through June 5, 2020.

All matters, other than those subject to the exceptions below, will be rescheduled by the Circuit Court Clerk to a future court date consistent with this Order with notice by mail to all interested parties. Rescheduled dates can be viewed by attorneys at (*eaccess*) and by the general public at (*epay*).

The following exceptions apply:

- a. Matters set for arraignment or preliminary hearing.
- b. Matters with in-custody defendants or a speedy trial demand.
- c. Bench and jury trials in matters described in (b) above shall be handled on a case-by-case basis. When necessary, judges may continue trials pursuant to Illinois Supreme Court Order M.R. 30370 made effective by Administrative Orders 20-9, 20-16, 20-18 and 20-20.
- d. Emergency motions.

- e. Motions to request a change of plea or evidentiary hearing shall be handled on a case- by -case basis at the assigned judge's discretion.
- f. Whenever practicable, and subject to the Court's discretion, a defendant's appearance may be waived.

3. Misdemeanor & Traffic Division

Courtrooms 4003, 4005 and 4016 are physically open to handle all essential court business outlined herein in the Misdemeanor division through June 5, 2020.

All matters, other than those subject to the exceptions below, will be rescheduled by the Circuit Court Clerk to a future court date consistent with this Order with notice by mail to all interested parties. Rescheduled dates can be viewed by attorneys at *eaccess* and by the general public at *epay*.

The following exceptions apply:

- a. Matters with in-custody defendants or a speedy trial demand.
- b. Matters set for first appearance on previously filed petitions to rescind a summary suspension.
- c. Matters set for summary suspension hearings on previously filed petitions to rescind a summary suspension.
- d. Bench and jury trials in matters described in (a) above shall be handled on a case-by-case basis. When necessary, judges may continue trials pursuant to Illinois Supreme Court Order M.R. 30370 made effective by Administrative Orders 20-9 20-16, 20-18 and 20-20.
- e. Emergency motions.
- f. Motions to request a change of plea or evidentiary hearing shall be handled on a case- by- case basis at the assigned judge's discretion.
- g. Whenever practicable, and subject to the Court's discretion, a defendant's appearance may be waived.

4. Juvenile Matters

Courtroom 3001A is physically open to handle all essential court business outlined herein in the Juvenile division through June 5, 2020.

All matters, other than those subject to the exceptions below, will be rescheduled by the Circuit Court Clerk to a future date consistent with this Order with notice by mail to all interested parties.

The following exceptions apply:

A. Abuse and Neglect Matters:

- a. Shelter Care Hearings shall proceed at 9:00 A.M.
- b. Any removal motions required due to a minor(s) being endangered shall proceed.
- c. Any motion to return a minor(s) home to their parents shall proceed.
- d. Emergency motions shall proceed.

B. Delinquency Matters

- a. Detention hearings shall proceed as scheduled and will be conducted via videoconference in courtroom 1000.
- b. Matters with in-custody minors shall proceed as scheduled and will be conducted via videoconference in courtroom 1000.
- c. Trials with in-custody minors shall be handled on a case-by-case basis. When necessary, judges may continue trials pursuant to Illinois Supreme Court Order M.R. 30370 made effective by Administrative Orders 20-9, 20-16, 20-18 and 20-20.
- d. Emergency motions shall proceed.
- e. Motions to request a change of plea or evidentiary hearing shall be handled on a case- by- case basis at the assigned judge's discretion.

5. Orders of Protection

Petitions and hearings on the following matters will be heard from 9:00 A. M. until 3:30 P.M. in courtroom 4016 and again at 4:00 P.M. in courtroom 4016:

- a. Emergency and plenary orders of protection.
- b. Stalking no- contact orders.
- c. Civil no-contact orders
- d. Firearm restraining orders.

6. Specialty Courts: Drug Court, Mental Health Court (MICAP), First-Offender Drug Court (FOCUS) and Veterans Court

- a. All matters will be rescheduled by the Circuit Court Clerk to a future court date consistent with this Order with notice by mail to all interested parties. Rescheduled dates can be viewed by attorneys at *eaccess* and by the general public at *epay*.
- b. Staffings for Drug Court, MICAP, and Veterans Court will continue in a manner and method in the judge's discretion.

CIVIL MATTERS

The physical courtrooms are closed except for 3003 and 3009; those two courtrooms are physically open to handle emergency motions and orders of protection in the Domestic Relations division through May 18, 2020. All Chancery, Domestic Relations and Law matters currently scheduled on or between May 18, 2020 and June 5, 2020 shall remain on their currently scheduled court dates and will be handled by the assigned judge using the method and procedure for remote proceedings outlined in this Administrative Order.

1. Chancery Division

- a. This section applies to all Chancery courtrooms except courtrooms 2003 and 2009. For courtroom 2003, see (h) below. For courtroom 2009, see (i) below. All matters set for status at 9:00 a.m. will proceed. The parties may proceed in the following manner:
 - Submit an agreed order via email to the judge's secretary or using the court's electronic system via *eaccess*. The judge may modify the agreed order at his/her discretion. Parties are encouraged to conference with each other prior to the status hearing for purposes of agreeing to an order and future date; or
 - If an agreed order is not presented, the parties may proceed for status via Zoom video conference or CourtCall, if available. If parties are to proceed via Zoom video conference, the parties must request to proceed at least seven (7) days prior to the status date. The request must include all of the parties' email addresses, case number and caption and must be made to the judge's secretary. The Judge will host the Zoom status hearings and will send an invitation to participate via Zoom. Some of the initially set 9:00 a.m. status matters may be re-set to 1:30 p.m. (or some other time) to allow for Zoom video conference or CourtCall hearings. The parties will be notified of the date and time of their status hearing. Any agreed orders shall be entered by the Court and will eliminate the need for a Zoom or CourtCall hearing. Rescheduled dates can be viewed by attorneys at *eaccess* and by the general public at *epay*.
- b. All matters set at any time other than 9:00 a.m. will be addressed by an order issued by the assigned judge on the date they are originally scheduled to be heard. Any future date will be set by court order and can be viewed by attorneys at *eaccess* or by the general public at *epay*.

- c. Parties may email agreed orders to the assigned judge's secretary for entry by the judge setting a discovery schedule status date, or hearing date. Those parties using electronic orders may submit agreed orders using the court's electronic system via e-access. The judge may modify the agreed order at his/her discretion.
- d. Contested hearings shall be decided without oral argument unless a specific request for oral argument is made by one or both of the parties. Whether oral argument occurs shall be at the sole discretion of the judge. Either a new hearing date will be set by court order or arrangements to have oral argument by CourtCall, teleconference or videoconference shall be made. For all contested motions, whether oral argument or not, the moving party shall email courtesy copies at least 7 days before the hearing to the judge's secretary. No hard copies shall be mailed or delivered.
- e. New motions shall be filed with the Clerk and the parties shall email to the judge's secretary an agreed order setting a briefing schedule and a proposed status date which shall be entered by the court. The court may assign a hearing date and notify the parties.
- f. Emergency motions shall be e-filed with the Clerk pursuant to Local Court Rules and courtesy copies sent to the assigned judge. The emergency motion shall be decided without oral argument unless a party notifies the judge's secretary by email of a request for oral argument or at the discretion of the judge. Arrangements will then be made for argument in court, by CourtCall or telephone or video conference at the discretion of the judge. Pursuant to local court rule, all emergency motions must be filed with an affidavit attesting to the emergency.
- g. All settlement conferences may proceed via Zoom videoconference, CourtCall, if available, or may be continued at the discretion of the assigned judge. All final trial conferences and civil trials will be continued.
- h. All Forcible (Eviction) cases and the entry of any Judgment of Foreclosure shall be suspended through and including June 5, 2020. All Forcible (Eviction) matters set at 8:30 a.m. and 1:30 p.m. will be rescheduled by the Circuit Court Clerk to a future court date consistent with this Order with notice by mail to all interested parties. Rescheduled dates can be viewed by attorneys at *eaccess* and by the general public at *epay*. Except for the entry of Judgments of Foreclosure (and any proceedings subsequent to a Judgment of Foreclosure), the Foreclosure call (courtroom 2004) shall proceed with its 9:00 a.m. call as outlined in paragraph (a) above, having general status matters proceed via Zoom videoconference. For both Forcibles (Evictions) and Foreclosures matters, the parties may proceed with discovery. Further, the Court may, in its discretion, sign agreed orders consistent with (b) above.
- i. Due to the volume and nature of the call for Courtroom 2009, not all currently set status matters for Guardianship cases shall proceed as outlined in paragraph (a) above. Any Guardianship emergency matters will be heard in accordance with paragraph (f) above. All other matters set for the 9:00 a.m. status call in room 2009 shall be rescheduled by the Circuit Court Clerk to a future date consistent with this Order. All other matters in Courtroom 2009 set at any other time than 9:00 a.m. shall proceed as outlined in paragraph (b) above. Cases on the court call for a Guardian's Annual Report and/or Annual

Accounting may have an order entered by the Court without appearance by a party or by counsel no different than prior practice. In such cases, parties seeking additional relief other than approval of an Annual Report and/or Accounting may proceed consistent with (a) above.

- j. All Mental Health hearings will proceed as originally scheduled.

2. Domestic Relations Division

- a. As to all Domestic Relations cases including those designated as “D”, “MR” and “F”, effective May 18, 2020 all court calls will be heard remotely by the judge normally assigned to each case in his or her own courtroom. Duty judges will no longer be available to hear domestic relations emergency motions and orders of protection. The judge normally assigned to each case will hear the matter if it is an emergency or an order of protection proceeding pursuant to prior Administrative Orders. All other domestic relations cases will proceed to pre-trial conference, status, presentment, or hearing through remote platforms only. Pursuant to prior Administrative Orders, all judges will continue to accept agreed orders for cases on their individual calls submitted electronically by the parties or their attorneys.
- b. All available platforms may be utilized for these remote proceedings effective May 18, 2020. Those platforms include but are not limited to Court Call, Zoom, Facetime, conference calling on speakerphone, or any other platform acceptable to the judge hearing the case.
- c. Beginning May 18, 2020 each judge will be present and hear his or her own regularly scheduled call consistent with the terms and procedures set forth herein. In the event neither the parties nor the attorneys for the parties contact the Court in advance to schedule a remote proceeding, the judge will continue that case to a new date. The new date will be chosen at the Court’s discretion. Neither the Court nor the Clerk of the Court will send notice of said continuance date. The parties and their attorneys must inquire with the Circuit Court Clerk via the online court imaging system, or any other available means, to find out what date the Court has chosen.
- d. All parties and attorneys seeking a remote proceeding must contact the judge's administrative assistant in advance of the court date to schedule same. Proceedings will be given a specific time slot between 9:00 a.m. and 4:00 p.m. The previously set times of 9:00, 9:15, 9:21, 9:25, 9:30 and 9:45 a.m. will be set aside during the time in which remote proceedings are being utilized. At the time of scheduling, the parties and attorneys must provide the judge’s administrative assistant with the following information:
- Type of platform to be utilized for the remote proceeding.
 - Time and duration of the proceeding.
 - Nature of the proceeding (prove up, status, presentment, hearing, etcetera).
 - E-mail addresses for both parties and/or their attorneys so that the Court can schedule a Zoom meeting and send out invitations or same; or phone numbers to facilitate a conference call.

- e. Remote proceedings will apply to all pending domestic relations cases, both pre- and post-decree and will apply to all cases previously set at 8:30, 9:00, 9:15, 9:21, 9:25, 9:30 and 9:45 a.m. Trials and extended hearings set at 10:00 a.m. and 1:30 p.m. will not be subject to the remote hearing procedures.
- f. If a party seeks a Zoom hearing and the other party does not agree to proceed in such manner, each party shall electronically submit a pleading to the Court within 48 hours providing the basis of each party's request for, or objection to the Zoom hearing. The Court will then decide if a Zoom hearing is appropriate.
- g. For Zoom hearings, all pleadings must be electronically submitted to the Court no later than seven days prior to the remote hearing date. All proposed exhibits must be electronically submitted to the Court and the opponent no later than seven days prior to the remote proceeding.
- h. After the hearing the Court shall provide a written ruling rule within a timely manner. Rulings will be forwarded to the parties and their attorneys via e-mail. The ruling will also address any future court dates. In proceedings that simply require a new date and do not require a ruling by the Court, the attorneys or the parties may submit an e-mail to the Court with a proposed order for the Court to sign addressing future dates.
- i. This remote process may also be utilized by attorneys for pre-trial purposes if all parties agree. The requirements for pre-trial conferences in Administrative Order 20-11 entered March 23, 2020 must be followed for remote pre-trial activity. No record will be made of remote pre-trial proceedings.
- j. This remote process may also be used for prove-up activities, provided all parties and attorneys agree. The requirements for prove-up activities in Administrative Order 20-10 entered March 23, 2020 must be followed for remote prove-up activity, subject to the following modifications:
 - Record shall be made of remote prove-up activities using Court Smart.
 - The parties and their attorneys will be allowed to direct and cross-examine the parties present for the remote prove-up.
 - The parties have a right to be present remotely for the prove-up.
- k. It is preferred that during all remote hearings the parties and their attorneys should participate from separate locations consistent with current social distancing guidelines.
- l. In the event of any audio or video failure during a remote proceeding, the Court in its discretion may continue or terminate the proceeding.
- m. The above procedures remain in effect until further order of the Court. This Court will continue to review and adjust the Order as necessary.

8. Law Division

- a. All matters set for status will proceed. The parties may proceed in the following manner:
 - Submit an agreed order by email in advance of the status date; or
 - Proceed by CourtCall or Zoom video conference. Any request for Zoom video conference must be made at least 7 days in advance of the status date. The request for a Zoom video conference must be made by email, containing the case caption in the subject line of the email, copying all parties of record, to the judge's public email address. The manner in which the status hearing proceeds will be the sole discretion of the court.
- b. Contested hearings may be decided without oral argument unless a party notifies the judge's secretary by email of a request for oral argument. Such a request must be made at least 7 days in advance of the hearing date. The decision to proceed with oral argument shall be at the sole discretion of the court. If the court grants the request for oral argument, either a new hearing date will be set by court order, or arrangements to have oral argument by CourtCall or Zoom video conference shall be made. For all contested motions, whether proceeding to oral argument or not, the moving party shall email courtesy copies at least 7 days before the hearing to the judge's secretary. No hard copies shall be mailed or delivered;
- c. New motions shall be filed with the Clerk and the parties shall email to the judge's secretary an agreed order setting a briefing schedule and a proposed status date which may be entered by the court. The court may assign a hearing date and notify the parties. Such a date may differ from the 30-60 day date issued by the Clerk;
- d. Emergency motions shall be e-filed with the Clerk pursuant to Local Court Rules and courtesy copies sent to the assigned judge. The emergency motion may be decided without oral argument unless a party notifies the judge's secretary by email of a request for oral argument. The decision to proceed with oral argument shall be at the sole discretion of the court. Arrangements will then be made for argument, by CourtCall or telephone or video conference at the discretion of the judge. Pursuant to local court rule, all emergency motions must be filed with an affidavit attesting to the emergency;
- e. All final trial conferences and civil trials will be continued. Settlement conferences may proceed by Zoom video conference, CourtCall or may be continued at the discretion of the assigned judge;
- f. All currently scheduled arbitration hearings will be continued to a future status in the assigned courtroom;
- g. Orders can be viewed by attorneys at *eaccess* and by the general public at *epay*.

9. Other Matters

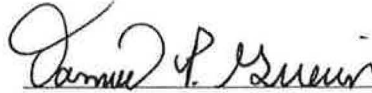
- a. Jury Service: No Criminal division jury trials will take place before July 20, 2020. No Civil division jury trials will take place before August 24, 2020.
- b. Grand Jury: The grand jury empaneled on April 2, 2020 shall serve through May 14, 2020. No new grand jury shall be empaneled before May 18, 2020.
- c. All Forcible (Eviction) cases and the entry of any Judgment of Foreclosure shall be suspended through and including June 5, 2020.
- d. Writs of Habeas Corpus: All court orders for writs of habeas corpus issued in felony, misdemeanor and juvenile courts for court dates in May and June, 2020 shall be placed on the respective court calls and, whenever possible, continued to a future date consistent with this Order.
- e. Electronic Arrest Warrants, Search Warrants and Eavesdrop Applications: Requests seeking these orders shall proceed pursuant to current practice.
- f. Marriage and Civil Union Ceremonies: No ceremonies will be performed until June 12, 2020.
- g. Safe Harbor Children's Waiting Room: The Waiting Room is closed until June 8, 2020.
- h. DuPage County Law Library: The Law Library will be closed until June 8, 2020. Telephonic and electronic information requests will be fulfilled during this closure based on the availability of required resources.
- i. Summons: All Summons that have been served with return dates of May 18 through June 5, 2020, shall be returnable on the rescheduled court date.
- j. Return Dates: All return dates are extended to a future date consistent with this Order. On a sentencing order return date, leave is granted for a state or local prosecutor to file, in an appropriate circumstance, a petition to revoke with the Clerk's office. A petition to revoke must be filed on or before the original final report date in the case.

IT IS FURTHER ORDERED that the Chief Judge Directive issued March 16, 2020 (as amended) addressing the cancellation of schoolhouse tours and training or education seminars and meetings involving outside participants remains in full force and effect.

IT IS FURTHER ORDERED the Court may issue further Orders, as necessary, to address the changing circumstances surrounding the Coronavirus pandemic.

Entered this 1st day of May, 2020 and effective immediately.

ENTER:

A handwritten signature in black ink, appearing to read "Daniel P. Guerin", written over a horizontal line.

Daniel P. Guerin
Chief Judge

Dated: May 1, 2020
Wheaton, Illinois