

**IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
MACOUPIN COUNTY, ILLINOIS**

FILED

JAN 29 2021


Clerk of the Circuit Court
Macoupin County, Illinois

**Macoupin County Administrative Order 2021-01
Macoupin County Courthouse Procedures for COVID-19 Coronavirus**

Whereas, The Macoupin County Courts will continue to take all reasonable measures to minimize personal contact to prevent the spread of the COVID-19 coronavirus.

Whereas, The Illinois Supreme Court has entered an Order in M.R. 30370 instructing the courts to continue to establish and periodically update temporary procedures to minimize the impact of COVID-19 on the court system, while continuing to provide access to justice.

Whereas, the Illinois Supreme Court has entered an Order in M.R. 30370 and issued the "Guidelines for Resuming Illinois Judicial Branch Operations During the COVID-19 Pandemic" authorizing for essential court matters and proceedings to be heard.

Whereas, Illinois Supreme Court has entered an Order in M.R. 30370, and subsequently, amended said Order authorizing for trial courts to continue all civil and criminal jury trials indefinitely.

Whereas, the Macoupin County Courts have conducted a further review of its temporary operations and have identified a need to begin to hear certain matters that have previously been classified as non-essential in an effort to strike a balance between critical societal needs to access justice and the critical societal need to prevent the spread of the novel coronavirus and the disease, COVID-19.

WHEREFORE, IT IS HEREBY ORDERED, that the operational limitations previously imposed upon Macoupin County Courts' proceedings shall continue with modifications as follows:

Essential Cases and Court Proceedings

Since June 1, 2020, the Macoupin County Courts have resumed holding status hearings, motion hearings, evidentiary hearings, and bench trials in additional cases and court proceedings. The complete list of essential cases and court proceedings that will be heard pursuant to this Administrative Order include:

Criminal Felony cases (CF)
Traffic & DUI cases (TR, DT)
Criminal Misdemeanor cases (CM)
Probate/Guardianships (P)
Conservation Violations (CV)
Family Court (F, D)
Child Support
Law (L)
Emergency & Plenary Orders of Protection
Small claims (SC)
Mental Health (MH)

Tax (TX)
Miscellaneous Remedies (MR)
Municipal Corporations (MC)
Adoptions (AD)
Ordinance Violations (OV)
Eminent Domain (ED)
Juvenile cases
Chancery/Foreclosures (CH)
LM, except evictions
Civil Law (CL)
Drug Court & Grand Jury

Special Mention:

- **Foreclosures:** Any foreclosure case involving a federally insured loan is protected by the foreclosure moratorium enacted under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), and may not proceed until the moratorium is lifted. The current moratorium has been extended through March 31, 2021.

Special Rules Regarding Eviction Cases (as found on the Illinois Supreme Court website at <http://www.illinoiscourts.gov/Forms/approved/eviction/eviction.asp>):

- Any eviction complaint filed in Illinois must have a certification attached indicating the landlord has followed the Governor's moratorium. For the full Supreme Court order and the certification form, go to <https://courts.illinois.gov/SupremeCourt/Announce/2020/122220-1pdf>.

Note: Governor's Executive Orders affect evictions in Illinois through February 6, 2021

- Governor Pritzker ordered a new moratorium on eviction cases through February 6, 2021 (Read the Executive Orders at <https://www2.illinois.gov/government/executive-order>. The most recent one is 2021-01)
- A landlord may not file eviction cases, unless the landlord serves the tenants with a written declaration that the tenant may fill out and return saying that they should be protected by the COVID Moratorium because they (1) fell behind in rent because of COVID, (2) expect to earn no more than \$99,000 (\$198,000 if joint return), (3) are using best efforts to make timely partial payments, and (4) would become homeless or have to double-up if evicted.
- A landlord still may file an eviction case against a tenant who provides a written declaration or who isn't being evicted for owing rent if that person poses a direct threat. (See Circuit Clerk's office for Emergency Exception Affidavit.)
- It is illegal for a landlord to lock out a tenant without a court order.
- For questions about evictions during this time, look for legal help in your area at <https://www.illinoislegalaid.org>.

For more information see Illinois Legal Aid Online's Housing, coronavirus, and the law blog. **If you are a tenant facing eviction, go to <https://covidhelpillinois.org/> for additional information and resources.** (Note: the written declaration may be found at: <https://www.ihda.org/about-ihda/covid-19-housing-resources-information/>.)

At each judge's discretion, whenever feasible, and subject to constitutional limitations, all matters and proceedings may continue to be heard remotely, via telephone, video, or other electronic means.

Other Cases and Court Proceedings

Until further Order of Court, unless modified pursuant to a periodic review hereafter conducted, the following cases and court matters shall be continued or otherwise postponed:

- **Courthouse Tours**
- **Courthouse Weddings and Civil Unions**

Jury Trials

Unless modified pursuant to periodic review hereafter conducted, or based upon a review of this Administrative Order if so mandated by relevant Illinois Supreme Court order entered hereafter, all civil and criminal jury trials currently scheduled shall be continued until after 3/1/2021, as authorized in Supreme Court Order M.R. 30370. All future jury trial settings must be pre-approved and scheduled through the Presiding Judge.

Rules Regarding Court Appearances

- A. Individuals represented by attorneys in traffic, criminal, DUI, OV, conservation, and juvenile cases do not have to appear in court unless a judge orders them to be present.
- B. If you are unable to appear because any of the restrictions cited in this Order, please notify the Macoupin County Circuit Clerk at (217) 854-3211 before your court date.
- C. Have your witnesses check in with court security as they enter on the ground floor of the Courthouse for further instructions.
- D. Court participants requiring special assistance to conduct official business will be permitted entrance with their personal assistant.
- E. Unless medically intolerant, face coverings (masks over nose and mouth) are required for all persons entering the courthouse and each person may be questioned regarding any COVID-19 issues and will be required to have their temperature taken with a digital, no-contact thermometer, an identification check (to assist with possible contact tracing if necessary), required use of hand sanitizer, and/or written or verbal questionnaire, and may be asked these questions:

- Have you had contact with anyone who you are aware was symptomatic or COVID positive for more than 15 minutes and within less than 6 feet in the last 14 days?
 - Are you COVID positive or symptomatic yourself?
 - Have you been directed to quarantine, isolate or self-monitor at home for COVID by any medical or public health provider?
 - Do you have flu-like symptoms including fever, cough, nausea, diarrhea and/or shortness of breath?
- F.** Anyone turned away or refusing the screening will be asked to leave his/her name and contact address with security so that this information can be passed along to the appropriate courtroom.
- G.** Bring your own face-coverings because court security personnel have a limited supply of masks.
- H.** All persons must wear masks or other face coverings in the courtrooms, but participants shall not be required to wear masks or other face covering while speaking on the record, and sign language interpreters shall not be required to wear masks while interpreting.
- I.** Nothing in this Order shall require anyone otherwise subject to provisions of this Order to wear a facial covering as directed when doing so would be contrary to their health or safety from a pre-existing medical/mental health condition.
- J.** Nothing in the Order shall require children two and under to wear facial coverings as directed.
- K.** Everyone who enters the Courthouse must use good personal health habits as recommended by the Center for Disease Control. This includes cleaning hands often with soap and/or hand sanitizer, avoid touching eyes, nose, and mouth, avoiding close contact, and covering coughs and sneezes with tissues or elbows.
- L.** Social distancing measures are required to be observed. Everyone should maintain a 6 feet distance whenever reasonably possible. To allow for proper social distancing, the number of people in Court will be restricted by reduced court calls and staggered court-call times, as well as remote appearances and hearings. You may be asked to wait outside or in your car once the Courthouse reaches its maximum capacity.
- M.** Any attempt to enter the Courthouse or remain in the Courthouse in violation of these rules will cause you to be denied access or removed by security personnel.
- N.** Civil and criminal lawsuits and any pleadings may still be filed in person or via electronic filing.
- O.** If you are representing yourself in court and have any questions or concerns, you may contact the Circuit Clerk's Office at (217) 854-3211 or visit the Circuit Clerk's website at JUDICI.com. You are encouraged to call before coming to the Courthouse.

- P.** Emergency matters are set on a case-by-case basis by contacting the Macoupin County Circuit Clerk at (217) 854-3211 who will then put you in touch with the judge's assistant for scheduling.
- Q.** Any delay resulting from this Order shall not be attributable to either the State or the defendant for purposes of sections 103-5 (speedy trial) of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5).
- R.** Any delay resulting from this Order shall not be attributable to either the State or the juvenile for purposes of section 5-601 of the Juvenile Court Act (705 ILCS 405-601).

Additional Information

This Administrative Order is effective immediately, unless Federal or State authorities mandate otherwise; and this Administrative Order supersedes 2020-AO-013 and shall remain in full force and effect until further Order of Court. This Order may be extended, supplemented, or amended as circumstances require.

IT IS SO ORDERED. ENTERED this 29th day of January, 2021, in Carlinville, Illinois.



Kenneth R. Deihl, Presiding Judge