

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)



IN THE CIRCUIT COURT OF THE 18TH JUDICIAL CIRCUIT
DU PAGE COUNTY, ILLINOIS

IN THE MATTER OF COURT OPERATIONS)
UNDER THE EXIGENT CIRCUMSTANCES CREATED) 1st Amendment to Administrative
BY THE CORONAVIRUS (COVID-19)) Order 20-8

WHEREAS, the outbreak of Coronavirus (COVID-19) in the United States has necessitated the justice system to take prudent, proactive measures to reduce the risk of exposure and prevent the spread of the virus; and,

WHEREAS, the World Health Organization (W.H.O.), on March 11, 2020 declared COVID-19 a pandemic and on March 13, 2020, a national emergency was declared; and,

WHEREAS, the Centers for Disease Control and Prevention (CDC), Illinois Department of Public Health, DuPage County Health Department and the Office of Illinois Governor J. B. Pritzker have issued guidelines and directives advising ways to address the issues involving COVID-19; and,

WHEREAS, the above entities have advised, among other steps, that persons and organizations should implement mitigation measures including, but not limited to, social distancing practices to limit large numbers of persons or groups gathering together; and,

WHEREAS, the Court, on March 10, 2020, after consultation and review with the Executive Committee of the 18th Judicial Circuit, and consistent with CDC and public health organization recommendations, issued a Directive enumerating several actions designed to reduce the number of persons or groups entering the courthouse and using courthouse facilities, and subsequently updated and amended that Directive on March 16, 2020; and,

WHEREAS, the Court, on March 13, 2020, after consultation and review with numerous courthouse stakeholders, including representatives of the judiciary and the offices of the State's Attorney, Public Defender, Sheriff, Circuit Court Clerk, and the Department of Probation, determined that the need to reduce the number of persons or groups entering the courthouse and using courthouse facilities still exists and needs to be expanded and extended; and

WHEREAS, measures must be implemented to both protect the health and safety of all courthouse employees and the public while also ensuring the fair and efficient access to justice.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Illinois Supreme Court Rule 21 (b), **Illinois Supreme Court Order M.R. 30370** and the Court's inherent authority:

Except as provided below, all matters in all divisions of the 18th Judicial Circuit, DuPage County, Illinois, are rescheduled through April 17, 2020. All matters are continued for a period

of 30-60 days from the originally scheduled court date. The Circuit Court Clerk shall notify all interested parties of a future court date for these matters, consistent with the regular practice of the Clerk for such notifications. **Any matters originally scheduled for trial or hearing, except those subject to the exceptions listed herein, shall be rescheduled for status and setting.** As a result of this Administrative Order, traffic courts in Addison, Downers Grove and traffic courtrooms 1001 and 1003 inside the DuPage County courthouse are closed through April 17, 2020.

The DuPage County courthouse remains open to conduct court business on a limited scale consistent with this Administrative Order.

IT IS FURTHER ORDERED that, except as necessary for the purposes enumerated below, judges and employees working for, and subject to the authority of, the 18th Judicial Circuit shall be encouraged to work remotely and conduct business telephonically or via videoconference whenever practicable. Any judge or employee who cannot work remotely shall follow the work schedules established by the Chief Judge, Presiding Judges, and supervisors of each division and department.

IT IS FURTHER ORDERED AS FOLLOWS:

1. **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.
2. **Bond Court:** bail hearings, including motions to review bail, will be conducted daily pursuant to current practice.
3. **Felony Division:**
 - a. Matters set for arraignment or preliminary hearing shall proceed as scheduled.
 - b. Matters with in-custody defendants or a speedy trial demand shall proceed as scheduled.
 - c. Jury trials in matters described in (b) above shall be handled on a case-by-case basis.
 - d. Emergency motions shall proceed.
 - e. Whenever practicable and subject to the Court's discretion, a defendant's appearance may be waived.
4. **Misdemeanor and Traffic Division:**
 - a. Matters with in-custody defendants and those with a speedy trial demand shall proceed as scheduled.

- b. Matters set for a statutorily mandated Summary Suspension Hearing shall proceed as scheduled.
- c. Jury trials in matters described in (a) above shall be handled on a case-by-case basis.
- d. ~~Matters involving orders of protection shall proceed as scheduled.~~ Petitions and hearings on orders of protection shall proceed as scheduled.
- e. Emergency motions shall proceed.
- f. Whenever practicable, and subject to the Court's discretion, a defendant's appearance may be waived.

5. Juvenile Division

A. Abuse and Neglect Matters:

- a. Shelter Care Hearings shall proceed at ~~1:30 P.M.~~ 9:00 A.M. and will be heard in courtroom 3001A.
- b. Adjudicatory hearings in which a 90-day statutory time limit for trial is running shall proceed as scheduled.
- c. Any removal motions required due to a minor(s) being endangered shall proceed.
- d. Any motion to return a minor(s) home to their parents shall proceed.
- e. 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.
- d. Emergency motions shall proceed.

6. Law Division:

a. 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. Such a date may differ from the 30-60 day date issued by the Clerk. The judge may modify the agreed order at his/her discretion

b. Contested hearings shall be decided without oral argument unless a specific request for oral argument is made by one of the parties or at the discretion of the judge. Either a new hearing date will be set by court order or arrangements will be made to have oral argument by CourtCall or telephone conference.

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 shall 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 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 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 settlement conferences, final trial conferences and civil jury trials are continued in accordance with this Order.

7. Chancery Division

a. Parties may email or, for those courtrooms using electronic order, file via e-access agreed orders to the assigned judge's secretary for entry by the judge setting a discovery schedule status date, or hearing date which may differ from the 30-60 date set pursuant to administrative order; the judge may modify the agreed order at his/her discretion.

b. All previously scheduled contested hearings may be decided without oral argument unless a specific request for oral argument is made by one of the parties. The decision to proceed to oral argument shall be within the sole discretion of the judge. In the event oral argument is approved by the

judge, a new hearing date will be set by court order or arrangements to have oral argument by CourtCall or telephone conference shall be made;

c. All 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. For those courtrooms using electronic orders, the parties are to send the agreed upon order via e-access. The Court may assign a hearing date and notify parties.

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 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 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 settlement conferences, final trial conferences and civil jury trials are continued in accordance with this Order.

f. Foreclosures and evictions and forfeitures shall be suspended until and including April 20, 2020.

g. Mental Health hearings will proceed as scheduled.

8. Domestic Relations Division

a. Emergency motions shall proceed and will be heard by the on-call judge.

b. Parties may email agreed orders to the assigned judge's secretary for entry by the assigned judge; the judge may modify the agreed order as his/her discretion.

c. Returns on orders of protection that are assigned to the dissolution case shall be heard by the on-call judge on a timely basis.

~~9. Specialty Courts: Drug Court, MICAP, FOCUS and Veterans Court shall proceed as scheduled. Whenever practicable, and in the judge's discretion, a defendant's presence may be waived. A defendant's presence and any other interested party's presence may be waived.~~

10. 9. Other Matters

a. **Grand Juries:** Grand Juries shall proceed as scheduled. They will convene in a larger space inside the courthouse.

b. **Writs of Habeas Corpus:** all court orders for writs of habeas corpus issued in felony, misdemeanor and juvenile courts for court dates in March and April, 2020 shall be placed on the respective court calls and, whenever possible, continued to a future date consistent with this Order.

c. **Electronic Arrest Warrants, Search Warrants and Eavesdrop Applications:** Requests seeking these orders shall proceed pursuant to current practice.

d. **Marriage and Civil Union Ceremonies:** No ceremonies will be performed until April 24, 2020. This amends the Chief Judge's directive issued March 10, 2020.

e. **Safe Harbor Children's Waiting Room:** The Waiting Room is closed until April 20, 2020.

f. **DuPage County Law Library:** The Law Library will be closed until April 20, 2020. Telephonic and electronic information requests will be fulfilled during this closure based on the availability of required resources.

g. **Summons:** All Summons that have been served with return dates of March 17 through April 17, 2020, shall be returnable on the next court date.

h. **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, training or education seminars and meetings involving outside participants, and marriage and civil union ceremonies remains in full force and effect. See attached Directive dated March 16, 2020.

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

Entered this 16th day of March 2020 and effective March 17, 2020.

ENTER:

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

Daniel P. Guerin
Chief Judge

Dated: March 16, 2020
Wheaton, Illinois