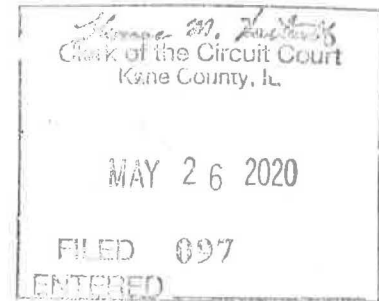


IN THE SIXTEENTH JUDICIAL CIRCUIT
GENERAL ORDER 20-22
Effective June 1, 2020

IN THE MATTER OF)
AMENDING GENERAL ORDER 20-07,)
GENERAL ORDER 20-14, AND)
GENERAL ORDER 20-18)
COVID-19 EMERGENCY MEASURES)
IMPACTING COURT OPERATIONS)



WHEREAS, in light of the Coronavirus pandemic, and in order to protect the health and safety of the general public, Circuit Court Judges and Circuit Court employees, and after consultation with the offices of the Kane County State's Attorney, Public Defender, Sheriff, Circuit Clerk, County Board, and representatives of the private bar, and pursuant to Illinois Supreme Court Rule 21(b) and the Court's inherent authority,

WHEREAS, the Circuit Court has, pursuant to the Illinois Supreme Court's order of March 17, 2020, reduced its operation to essential activities,

WHEREAS, the Illinois Supreme Court's order of May 20, 2020, allows circuits to adopt their own plans for resumption of court activity;

IT IS HEREBY ORDERED, that General Order 20-07, entered on March 16, 2020, amended and superseded by General Order 20-14, entered on April 6, 2020, amended and superseded by General Order 20-18, entered on April 22, 2020, is amended and superseded by this General Order;

IT IS THEREFORE ORDERED that, effective June 1, 2020, the following procedures are in effect in the 16th Judicial Circuit:

- 1) **RETURN TO ADDITIONAL COURT ACTIVITY:** Effective June 1, 2020, all Divisions will return to hearing all matters, with the exception and provisos set forth below. Each Division has entered Administrative Orders titled "In the Matter of Covid-19 Temporary Procedures for _____ Matters" establishing temporary procedures for each division. Attorneys and self-represented litigants appearing in these divisions should consult the Administrative Orders to learn about the scheduling and procedures that must be followed for each division.
- 2) **TRIALS/BRANCH COURT:** General Order 20-17 regarding trials is modified as follows. The Branch Courts (Aurora, Elgin, and Kane) have the discretion to hear bench trials on petty traffic, ordinance violations, and certain misdemeanors due to the limited number of witnesses that are needed for trial effective June 1, 2020. Remote trials are the preferred method of holding said trials.

- 3) **CRIMINAL JURY TRIALS:** Criminal jury trials will begin on August 3, 2020, subject to limitations on the number that can be accommodated. This order incorporates the language contained in the Illinois Supreme Court order M.R. 30370 signed May 20, 2020. “The Chief Judges of each circuit may continue trials until further order of this Court. The continuances occasioned by this Order 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 the Court. This provision also applies when a trial is delayed when the court determines proper distancing and facilities limitations prevent the trial from proceeding safely. The judge in the case must find that such limitations necessitated the delay and shall make a record thereof.”
- 4) **CIVIL JURY TRIALS:** Civil Jury Trials will begin no sooner than September 8, 2020.
- 5) **MASK/FACE COVERINGS:** Pursuant to General Order 20-21, all persons in public areas of the courthouse, including courtrooms, must wear a mask/face covering unless the judge presiding over the courtroom gives permission to remove the mask/face covering in order to participate in court proceedings.
- 6) **REDUCED CALL SIZE:** In order to reduce the number of people in the building(s), the Court will, to the extent possible, reduce the number of cases slotted for each court call. The Courts will use a number of different strategies including, but not limited to, staggering court calls, staggering start times, scheduling remote hearings, and accepting agreed orders.
- 7) **REPRESENTED PARTIES EXCUSED:** Unless ordered by the judge or directed by their attorney, parties represented by attorneys are strongly discouraged from attending court. Attorneys should advise their clients not to attend court unless their attendance is strictly necessary given the nature of the hearing at issue. **Please see 16th Judicial Circuit Administrative Orders.**
- 8) **ADDITIONAL PERSONS DISCOURAGED:** Litigants are strongly discouraged from bringing any other person with them to the courthouse. Individuals appearing in court with litigants may be asked to remain in the parking lot due to the number of individuals in the courthouse.

- 9) **REMOTE HEARING:** The Court will begin increased reliance on remote court and remote hearings. Parties should plan to appear as scheduled, to make a timely appearance, and should familiarize themselves with the “Guidelines for Virtual Courtroom Proceedings of the Sixteenth Judicial Circuit” and the Illinois Supreme Court Remote Access Policy, effective January 1, 2020, and revised effective June 1, 2020.

A “remote hearing” is one that is one conducted either telephonically or via a video conferencing system. A “remote hearing” includes, but is not limited to, status dates, pleas, motion hearings, and trials. The 16th Judicial Circuit will be utilizing the Zoom video conferencing platform.

The Circuit Clerk will not schedule remote hearings without first receiving approval from the judge to schedule the matter on his/her court call. At the discretion of the assigned judge, remote hearings may be scheduled pursuant to administrative orders entered by the Presiding Judge of each Division.

Each judge may exercise his or her discretion in establishing additional parameters for remote hearings. In misdemeanor and felony matters, a clerk and court reporter must be present either in person, telephonically, or by video conferencing when contested remote hearings are held to ensure a record is made.

- 10) **BENCH WARRANTS AND DEFAULTS:** Judges may refrain, in appropriate circumstances, from the issuance of bench warrants or the entry of default judgments. Individual judges may, based upon the nature of the hearing, the case, and their call, be more flexible in excusing the appearances of a party or defendant.
- 11) **BOND CALL (COURTROOM 005):** All bond calls will continue to be heard at the Kane County Judicial Center, Room 005. Aurora and Elgin bond call matters are to be heard in the Kane County Judicial Center, Room 005.
- 12) **WEDDINGS:** Weddings will not be performed until July 13, 2020.
- 13) **KANE COUNTY LAW LIBRARY & SELF HELP LEGAL CENTER:** The Law Library and Self Help Legal Center will re-open on June 1, 2020. The law library has a maximum capacity of twelve people.
- 14) **ARBITRATION/BANKRUPTCY/WORKERS COMPENSATION:** All hearings set between June 1, 2020, and September 4, 2020, are to be continued and rescheduled until September 8, 2020, and after.
- 15) **CHILDREN’S WAITING ROOM:** The waiting room will remain closed until further order of the court.

- 16) **OTHER MATTERS:** Non-essential gatherings and meetings will be allowed subject to their ability to abide by the policies and procedures established by this order and the room capacity limits.

The Court may issue further Orders, as necessary, to address the changing circumstances surrounding the Coronavirus pandemic.

Entered this 26th day of May, 2020, and effective June 1, 2020.



Clint Hull, Chief Judge

