

IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT

GENERAL ORDER 20 - 12

*In re the Extension of the Activation
of the Emergency Preparedness Plans
for the Courts in DeKalb and Kendall
Counties in Response to the COVID-
19 Pandemic*

FILED
APR 24 2020
ROBYN INGEMUNSON
CIRCUIT CLERK KENDALL CO.

WHEREAS, the Governor of the State of Illinois on March 9, 2020 issued a Declaration of Disaster in response to the COVID-19 Pandemic; and the President of the United States of America on March 13, 2020 declared a National Emergency concerning the COVID-19 Pandemic; and

WHEREAS, in furtherance of the response to the COVID-19 Pandemic, the Governor of the State of Illinois on April 1, 2020, in Executive Order 2020-18, extended the Declaration of Disaster for an additional 30 days through April 30, 2020; and

WHEREAS, the Governor of the State of Illinois has not yet extended the Declaration of Disaster for an additional period of time, but has indicated his intent to do so until at least May 30, 2020; and

WHEREAS, the Centers for Disease Control, the Illinois Department of Public Health, and the Health Departments of DeKalb and Kendall Counties have declared and recognized the existence of a public health emergency due to the spread of respiratory illness resulting from exposure to a novel coronavirus identified as COVID-19; and

WHEREAS, the Illinois Supreme Court in its directive of March 13, 2020 and Order of March 17, 2020, advised all courts that non-essential in-person court proceedings may pose a risk

to participants, court staff, or the public. Courts may avoid risk by rescheduling court events to a later date, especially jury trials and large docket calls, or, alternatively, by conducting proceedings via telephone or video remote appearance where feasible and subject to constitutional limitations, and

WHEREAS, the Illinois Supreme Court in its Orders of March 20, April 3, and April 7, 2020 authorizes the Chief Judge of each circuit to continue trials until further order of court, and further that such continuances serve the ends of justice and outweigh the best interests of the public and defendants in a speedy trial; and additionally that such continuances shall be excluded from speedy trial computations contained in §103-5 of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5 (West 2018)) and §5-601 of the Illinois Juvenile Court Act (705 ILCS 405/5-601 (West 2018)). Said Orders also provide that the statutory time restrictions in §103-5 of the Code of Criminal Procedure of 1963 and §5-601 of the Juvenile Court Act shall be tolled until further order of the Supreme Court; and

WHEREAS, the Judiciary of the 23rd Judicial Circuit has previously adopted Emergency Preparedness Plans for both DeKalb and Kendall Counties providing for the continued operations of the court systems in each county during an emergency, which includes a public health emergency such as the COVID-19 pandemic; and

WHEREAS, pursuant to the authority granted in Illinois Supreme Court Rule 21(b) and the court's inherent authority; and in consultation with, and the concurrence and consent of the Circuit Judges of the 23rd Judicial Circuit, the Chief Judge of the 23rd Judicial Circuit previously issued General Order 20-03 activating the Emergency Preparedness Plans for the Courts of DeKalb and

Kendall Counties for a period of time ending on April 17, 2020, which was subsequently extended in General Order 20-09 through the end of business on May 1, 2020; and

WHEREAS, there remains a State of Emergency in the State of Illinois and the Twenty-Third Judicial Circuit which appears likely to remain through at least May 25, 2020 (Memorial Day);

NOW THEREFORE, the Chief Judge of the 23rd Judicial Circuit HEREBY ORDERS:

1. The Emergency Preparedness Plans for the Courts of DeKalb and Kendall Counties, previously activated beginning March 18, 2020, shall remain in effect through the end of business on Tuesday, June 2, 2020.
2. Court proceedings during this period shall continue to be limited to the Essential Court Functions as set forth below:

CATEGORY 1 ESSENTIAL FUNCTIONS

- Criminal Trials with Speedy Trial Concerns
- Criminal Hearings for Defendants who are in custody, including bail hearings, arraignments or preliminary hearings, and bail review hearings
- Issuance and recall of Warrants
- Juvenile Detention Hearings
- Juvenile Shelter Care Hearings
- Issuance of Orders of Protection and hearings

CATEGORY 2 ESSENTIAL FUNCTIONS

- Criminal Felony Trials for Defendants who are not in custody and serious Criminal Misdemeanor Cases
 - Temporary Restraining Orders and Preliminary Injunctions
 - Involuntary Examination, Involuntary Commitment, Emergency Medical Treatment including potential Social Distancing and Quarantine Proceedings
 - Juvenile Abuse and Neglect Hearings
 - Mental Health Hearings and Commitments
3. During this time period, the courts will remain open, although operations will be limited to Essential Court Functions as described above. Nothing herein shall be construed to limit the

right of the public to attend court proceedings, or have access to the court process. However, consistent with the Order of the Illinois Supreme Court entered March 17, 2020, as well as the guidelines issued by the Centers for Disease Control, the Illinois Department of Public Health, and the Health Departments for DeKalb and Kendall County, attendance in court may be limited in order to observe appropriate social distancing; and further provided that any individual wishing to attend court proceedings is not exhibiting symptoms of any communicable illness. As the capacity of each courtroom varies, as does the nature of each judge's court call, the Presiding Judge of each county shall determine the appropriate number of individuals who may be present in any given courtroom at any one time.

4. All matters currently set for trial between the effective date of this order and July 10, 2020 for Kendall County cases and July 17, 2020 for DeKalb County cases are continued for status and the setting of a new trial date. The Circuit Clerk of each county will provide notice of the new status date. Any party to a case which has been continued for status and the setting of a new trial date, may, before the status date, also move to reschedule the trial date to a date on or after the respective date as set forth above, upon proper notice to the opposing side. This applies to all matters, including, felony, misdemeanor, traffic, civil, family, and juvenile cases. Pursuant to the orders of the Supreme Court, such continuances shall be excluded from speedy trial computations contained in §103-5 of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5 (West 2018)) and §5-601 of the Illinois Juvenile Court Act (705 ILCS 405/5-601 (West 2018)).
5. Furthermore, pursuant to the order of the Illinois Supreme Court entered on March 17, 2020, each county may adopt procedures permitting essential court matters and proceedings to be

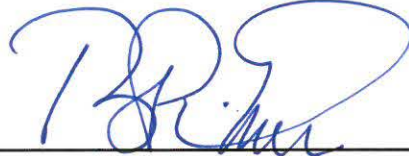
heard remotely via telephone, video, or other electronic means, if feasible and subject to constitutional limitations. Additionally, all non-essential court matters and proceedings should be continued or, where possible, conducted remotely via telephone, video, or other electronic means. Those proceedings conducted remotely shall adhere to the requirements of Supreme Court Rule 46.

6. Each county, subject to the discretion of the Presiding Judge, may continue to perform marriages in the courthouse. Persons wishing to be wed in a civil ceremony at a courthouse should contact the court administrator for the respective county to schedule a wedding, and the court administrator will advise you of any specific temporary restrictions which may be in effect for that county.
7. The courts of each county may adopt temporary or standing orders regarding the submission of agreed orders via email or for allowing telephonic or video appearances for such cases as permitted by law, and consistent with the order of the Supreme Court of Illinois entered on March 17, 2020.
8. Except as necessary for the purposes of proceeding with Essential Court Functions, all judges and judicial employees are encouraged to work remotely and conduct business telephonically until further order of court, to the extent practicable, and in accordance with the schedule established by the presiding judge of each county.
9. Depending upon the state of the pandemic, any future orders of the Illinois Supreme Court, declarations by the Executive Branches of the Federal and State Governments, as well as guidelines promulgated by the Centers for Disease Control, Illinois Department of Public Health and the Health Departments of DeKalb and Kendall Counties, the court may issue

further Orders as necessary to address the changing circumstances surrounding the COVID-19 Pandemic. Such further orders may include an extension of the time the Emergency Preparedness Plans for DeKalb and Kendall Counties shall be in effect beyond June 2, 2020.

10. This Genreal Order supersedes and amends General Orders 20-03 and 20-09.
11. This order shall be effective upon entry.

Enter: April 24, 2020.



Hon. Robert P. Pilmer
CHIEF JUDGE