

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

GENERAL ADMINISTRATIVE ORDER No. 2020-07

SUBJECT: COVID-19 EMERGENCY MEASURES, MODIFICATION OF OPERATIONS

As a response to the measures necessitated by the evolving COVID-19 pandemic, including, but not limited to, executive orders of the State of Illinois, Cook County, the City of Chicago, and other local municipalities, and Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities (Mar. 23, 2020) of the U.S. Centers for Disease Control and Prevention, it is evident that court operations require prompt modification, and, therefore,

In light of the global coronavirus pandemic (COVID-19) and in order to protect the health and safety of the general public, the court's judges and employees, and the staffs of elected officials, and after conferring with the offices of the Cook County State's Attorney, Cook County Public Defender, Cook County Sheriff, Cook County Circuit Clerk, Cook County Board President, the Cook County Circuit Court Executive Committee, and representatives of the private bar, and pursuant to Ill. S. Ct. R. 21(b) and pursuant to the court's inherent authority,

IT IS HEREBY ORDERED that, except in extraordinary or compelling circumstances, all matters in all Districts and Divisions of the court shall be conducted by videoconference, subject to the limitations imposed by the constitutions of the United States and the State of Illinois; at the discretion of the judge presiding, after considering party objections and upon finding that an alternative is justified by extraordinary or compelling circumstances, proceedings may be conducted by teleconference, videoconference, in person, or a combination of those means;

IT IS FURTHER ORDERED that, except as necessary for the purposes enumerated below or as otherwise directed by the chief judge, all judges and employees of the court, except those who are performing essential court operations, shall work remotely and conduct business telephonically or by videoconference; nothing in this order shall be interpreted to infringe on a judge's discretion to conduct a teleconference or videoconference from the courthouse;

IT IS FURTHER ORDERED that, in accordance with Illinois Supreme Court Rule 45 (eff. May 22, 2020), unless otherwise ordered by the judge presiding for good cause, all attorneys and self-represented litigants participating by teleconference or videoconference shall be permitted to do so from a location of their choosing; the sheriff shall provide self-represented litigants in the sheriff's custody with access to court proceedings by videoconference or in person, as ordered by the judge presiding;

IT IS FURTHER ORDERED that self-represented litigants and other participants without access to the internet or a telephone shall be encouraged by the court and the circuit clerk to make use of the spaces and equipment provided by the court in each courthouse to participate in court proceedings by videoconference;

IT IS FURTHER ORDERED that, pursuant to Ill. S. Ct., M.R. 30370 (eff. Aug. 27, 2020), all persons, including, but not limited to, judges, court staff, parties, attorneys, jurors, and witnesses wear masks or other face coverings in the courthouse at all times, including while in the courtrooms and when seated behind plexiglass shields, unless the person is otherwise instructed

by the judge or court personnel; notwithstanding the foregoing provision, judges may remove their mask or other face covering when speaking on the record behind a plexiglass shield, and sign language interpreters may instead wear plastic face shields while interpreting;

IT IS FURTHER ORDERED that official court reporters and interpreters shall be available for remote proceedings as they would be for in-person proceedings; broadcasting, transmitting or publishing audio or video recordings of teleconference and videoconference court proceedings are prohibited, except as authorized by Ill. S. Ct. Rs. 46 and 63;

IT IS FURTHER ORDERED that, except as permitted by the Governor's Exec. Order No. 2020-72 (Nov. 13, 2020), and as it may be amended from time to time, and until further order of the court, no residential real estate eviction action shall commence unless a tenant poses a direct threat to the health and safety of other tenants, an immediate and severe risk to property, or a violation of any applicable building code, health ordinance, or similar regulation;

IT IS FURTHER ORDERED that the sheriff of Cook County shall refrain from enforcement of eviction orders relating to residential real estate until further order of the court; the time period in which such orders must be enforced pursuant to 735 ILCS 5/9-117 is extended until further order of the court;

IT IS FURTHER ORDERED:

1. Effective immediately

a. ALL DIVISIONS AND DISTRICTS:

- i.** Judges shall be available, either on-site or remotely, in each division and district to hear emergency matters;
- ii.** The Presiding Judge of a District or Division may establish procedures for rescheduling cases by administrative order, as long as such procedures are consistent with this order;
- iii.** Any in-person court dates found to be necessary shall be staggered, by date, time, and floor, to minimize the number of persons in the courtrooms and every other part of the courthouse until further order of the court;
- iv.** The failure of a defendant in a criminal case who is not in custody to appear on the first return court date after entry of this order shall not result in the issuance of a warrant, and a continuance for a minimum of 30 days shall be ordered; the judge presiding over the matter shall have discretion to enter further continuances and to issue bond forfeiture warrants, taking into account the COVID-19 pandemic emergency and public safety considerations; the circuit clerk shall send notice of each court date to the defendant at the address on the defendant's bond or notice of change of address pursuant to 725 ILCS 5/110-12;
- v.** No bench trials in criminal cases and no jury trials of any kind shall be held until further order of the court. When jury trials resume, the judge presiding shall schedule jury trials not less than 60 days after the date on which the parties are notified of the trial date;

- vi. Initial and responsive pleadings and responsive motions may be filed, in person or by electronic filing with the circuit clerk, as provided in Ill. S. Ct. R. 9 (eff. Jan. 1, 2020);
 - vii. Mandatory arbitration hearings, including those previously scheduled, shall be held only by videoconference;
 - viii. Except as ordered herein, procedures for the administration of court operations shall be determined by the Presiding Judge for the Division or District under his or her supervision;
 - ix. The sheriff, shall take necessary and appropriate measures to ensure the following:
 - 1. At no time shall there be more persons in the courtroom than the number established under guidance by the appropriate public health authorities;
 - 2. At all times, all persons in the courtroom shall maintain a minimum distance of 6 (six) feet from all other persons in the courtroom;
- b. **PRETRIAL DIVISION:** Bail hearings, including motions to review bail, shall be conducted daily;
- c. **CRIMINAL MATTERS, ALL DIVISIONS AND DISTRICTS:**
- i. Priority shall be given to the following matters, with additional priority given cases in which the defendant is incarcerated:
 - 1. arraignment;
 - 2. preliminary hearing or preliminary examination;
 - 3. motion to dismiss on speedy trial grounds;
 - 4. hearing on discovery status;
 - 5. evidentiary hearing on motion;
 - 6. conference pursuant to Ill. S. Ct. R. 402;
 - 7. entry of guilty plea;
 - 8. hearing on violation or termination of probation;
 - 9. hearing on violation of bail bond;
 - 10. hearing on fitness;
 - ii. Except as otherwise ordered by the judge presiding, the following matters shall be conducted by videoconference:
 - 1. initial bail hearing;
 - 2. waiver of a preliminary hearing;
 - 3. arraignment on an information or indictment to which a plea of not guilty will be entered;
 - 4. presentation of a jury waiver;

5. any status hearing;
 6. oral waiver of trial;
 7. entry of guilty plea;
 8. any hearing conducted under the Sexually Violent Persons Commitment Act at which no witness testimony will be taken; and
 9. any hearing, upon waiver of any right the person may have to be physically present;
- iii. Waivers of physical presence by persons who have been placed on electronic monitoring and are charged with violent felonies, such as murder or Class X violent offenses, must be approved by the judge presiding;
 - iv. For any hearing where the physical presence of the defendant(s) has been waived, the physical presence of victims and witnesses is excused;
 - v. Except as provided in § c(iii)herein, the defendant may waive his or her physical presence and appear by videoconference, unless ordered to be physically present by the judge presiding;
 - vi. **Bail review.** All prosecution and defense counsel shall review their cases upon entry of this order, and at appropriate intervals thereafter, to determine whether a change in circumstances may support a change in bail conditions that would enable a defendant to secure his or her release from the jail; priority shall be given to motions to reduce bail in the following order:
 1. Agreed orders; factors to be considered, include, but are not limited to:
 - a. persons at elevated risk of contracting COVID-19, either because of age or underlying health conditions
 - b. pregnant women
 - c. persons confined only on misdemeanor charges
 - d. persons confined on felony charges
 - i. non-violent Class 3 and 4 felony charges
 - ii. eligible for probation
 - e. persons confined because they cannot afford the monetary bond set in their cases
 - f. persons released on electronic monitoring who have been compliant with the conditions of their bail
 - g. persons confined on a warrant or allegation of violation parole or probation and who are not charged with or suspected of a crime of violence
 - h. persons sentenced to imprisonment in the Cook County Jail

- i. persons eligible for release on electronic monitoring who have no place to stay
 - j. agreed orders in other circumstances
 - 2. Contested orders; factors to be considered, include those set forth in § 1(c)(vi)(1) of this order;
- vii. Any delays resulting from this order or from Cook County Cir. Ct. G.A.Os. 2020-01 and 2020-02 shall not be attributable to either the State or the defendant for purposes of section 103-5 (speedy trial) of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5);

d. JUVENILE JUSTICE DIVISION:

- i. Juvenile detention hearings, including all motions to review detention, and other emergency matters shall be conducted daily at 1100 S. Hamilton Ave., Chicago;
- ii. Priority shall be given to the following matters, with additional priority given cases in which the respondent is incarcerated:
 - 1. arraignment;
 - 2. probable cause hearing;
 - 3. motion to dismiss on speedy trial grounds;
 - 4. hearing on discovery status;
 - 5. evidentiary hearing on motion;
 - 6. conference pursuant to Ill. S. Ct. R. 402;
 - 7. entry of guilty plea;
 - 8. hearing on violation or termination of probation;
 - 9. hearing on violation of pretrial release;
 - 10. hearing on fitness;
- iii. Except as otherwise ordered by the judge presiding, the following matters shall be conducted by videoconference:
 - 1. initial detention hearing;
 - 2. arraignment on a petition to which a plea of not guilty will be entered;
 - 3. presentation of a jury waiver;
 - 4. any status hearing;
 - 5. any hearing conducted under the Sexually Violent Persons Commitment Act at which no witness testimony will be taken; and
 - 6. any hearing, upon waiver of any right the person in custody or confinement may have to be present physically;

7. Unless ordered by the judge presiding, the respondent's appearance is not required;

iv. Any delays resulting from this order or from Cook County Cir. Ct. G.A.O. 2020-01 (eff. Mar. 17, 2020, and as subsequently amended) shall not be attributable to either the State or the juvenile for purposes of section 5-601 of the Juvenile Court Act (705 ILCS 405/5-601);

e. CHANCERY DIVISION:

- i. The Presiding Judge shall establish procedures for hearing all matters, including, but not limited to, scheduling by administrative order, as long as such procedures are consistent with this order;
- ii. All mortgage foreclosure actions may proceed to judgment of foreclosure. Consistent with Ill. Exec. Order 2020-72 (Nov. 13, 2020), residential and commercial foreclosure actions shall be immediately stayed upon entry of a judgment of foreclosure until further order of the court; notwithstanding the foregoing provision, vacant or abandoned properties may proceed to sale based upon sufficient proof as determined by the court;

f. MUNICIPAL DEPARTMENT, CRIMINAL AND TRAFFIC CASES:

- i. In Districts 2-6, the sheriff shall provide the equipment and location for defendants to participate in bail hearings by videoconference;
- ii. Criminal proceedings normally heard at Branches 9, 23, 29, 35, 38, 43, and 44 located at 3150 W. Flournoy St., 5555 W. Grand Ave., and 727 E. 111th St. in the City of Chicago shall continue to be heard, by teleconference or videoconference, at those locations;
- iii. All proceedings normally heard in Branches 42 and 50, including preliminary examinations or hearings, shall continue to be heard by teleconference and videoconference in the Second District;
- iv. Unless otherwise ordered by the judge presiding, all misdemeanor and traffic matters shall be held by videoconference until further order of the court;

g. ADULT PROBATION DEPARTMENT, SOCIAL SERVICE DEPARTMENT, AND JUVENILE JUSTICE AND COURT SERVICES DEPARTMENT: Probation officers and social service caseworkers shall contact clients to schedule essential meetings, which are to be held only by videoconference or teleconference whenever reasonably possible; notwithstanding the foregoing, clients may be required to report in person to probation officers or social service caseworkers for the purpose of undergoing substance use testing or providing DNA samples;

h. CIVIL MATTERS, ALL DIVISIONS AND DISTRICTS:

- i. Except for oral depositions, discovery shall continue as scheduled; oral discovery may be taken by videoconference pursuant to Illinois Supreme Court Rule 206(h) (eff. Oct. 19, 2019);

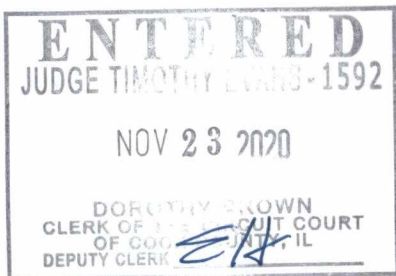
- ii. Where it is not reasonably possible to conduct an oral deposition for reasons related to the COVID-19 emergency, the parties shall use their best efforts to postpone the deposition by agreement and stipulation for a period not to exceed 60 days; absent such agreement, the proceedings shall be deferred until such later date as the court can review the matter and issue appropriate directives; nothing in this order shall be construed to limit the discretion of the judge presiding to determine the merits of an attorney's alleged inability to comply with a notice of an oral deposition;
 - iii. Except for good cause shown, participants in litigation shall not be penalized if discovery compliance is delayed for reasons relating to the COVID-19 emergency; this provision is to be liberally construed;
 - iv. The Presiding Judge of a District or Division shall establish procedures for hearing all matters, including, but not limited to, scheduling by administrative order, as long as such procedures are consistent with this order;
- i. CIVIL NO CONTACT ORDERS, CIVIL ORDERS OF PROTECTION, FIREARMS RESTRAINING ORDERS, STALKING NO CONTACT ORDERS:**
- i. Notwithstanding a related case pending elsewhere in the court, all petitions for emergency orders filed at 555 W. Harrison St., Chicago, or in Municipal Districts 2, 3, 5, 4, or 6 shall be heard where they are filed;
 - ii. Proceedings subsequent to hearings on petitions for any of the following sought in connection with a related Domestic Relations or Probate case shall be heard at the Richard J. Daley Center, or the relevant suburban Domestic Relations or Probate courtrooms hearing such matters, or at a location as determined by the Presiding Judge of the Division in which the related case is pending:
 - 1. emergency civil no contact orders;
 - 2. emergency civil orders of protection;
 - 3. emergency stalking no contact orders;
 - iii. Petitioners and respondents for civil no contact orders, civil orders of protection, and stalking no contact orders may participate in hearings by videoconference from places of their choosing;
- j. DOMESTIC RELATIONS DIVISION:**
- i. In child-support cases in which the state's attorney has filed an appearance, the circuit clerk shall notify the parties of new court dates scheduled pursuant to this order;
 - ii. Court ordered participation for litigants in programs such as mediation, evaluations, counseling, parenting classes, and classes for children shall continue, but are to be done by remote audio-visual means until further order of the court;

- iii. The administrative orders addressing access during COVID-19 entered by the Presiding Judge of the Domestic Relations Division shall remain in full force and effect until further order of the court;
- k. **DOMESTIC VIOLENCE DIVISION:** When a defendant in a criminal case at 555 W. Harrison St., Chicago, Ill., is denied bail or is unable to post required monetary bail at the conclusion of the bail hearing, the arresting agency shall transport the defendant to the Cook County Department of Corrections, 2700 S. California Ave, Chicago, Ill.;
- l. **CHILD PROTECTION DIVISION:** The Presiding Judge shall establish procedures for hearing all matters, including, but not limited to, scheduling by administrative order, as long as such procedures are consistent with this order;
- m. **COUNTY DIVISION:** The Presiding Judge shall establish procedures for hearing all matters, including, but not limited to, scheduling by administrative order, as long as such procedures are consistent with this order; except in actions in which the subject property is unimproved, abandoned, or vacant, prove-ups and subsequent proceedings in actions in furtherance of obtaining a tax deed pursuant to the Property Tax Code, §§ 35 ILCS 200/22-5, *et seq.*, are stayed until further order of the court; including any order for possession or deed;
- n. **LAW DIVISION:**
 - i. Except for jury trials, the Presiding Judge shall establish procedures for hearing all matters, including, but not limited to, scheduling by administrative order, as long as such procedures are consistent with this order;
 - ii. The Presiding Judge shall establish procedures for pretrial proceedings in cases that are ready for trial but are not permitted to proceed due to the COVID-19 pandemic;
 - iii. The Presiding Judge shall establish procedures for mediation of cases by agreement of the parties as an alternative to pretrial proceedings;
 - iv. The Presiding Judge shall establish procedures for cases to be heard by bench trials to be conducted by video conference ;
- o. **PROBATE DIVISION:** The Presiding Judge shall establish procedures for hearing all matters, including, but not limited to, scheduling by administrative order, as long as such procedures are consistent with this order;
- p. **GRAND JURY:** Grand juries shall continue to meet a maximum of three times per week, and be impaneled from time to time as ordered by the Chief Judge;
- q. **FORENSIC EXAMINATIONS:** In criminal cases, all forensic examinations of defendants, both adult and juvenile, shall be conducted via videoconference;
- r. **BAIL, FEES, COURT COSTS, AND PENALTIES, CRIMINAL CASES:**
 - i. Charitable Bond Funds
 - 1. Pursuant to Cook County Code § 18-49,

- a. The circuit clerk shall not deduct any fees, court costs, or penalties from bail bond funds posted by a Charitable Bond Fund without the surety's voluntary, written consent;
 - b. The circuit clerk shall not use bail bond funds posted by a Charitable Bond Fund to pay attorney fees, including reimbursement for representation by the public defender, without the surety's voluntary, written consent;
2. At the conclusion of the case, the circuit clerk shall return all available funds posted by a Charitable Bond Fund to the surety;
- ii. Pursuant to 705 ILCS 105/27.3B, where a charitable bond fund or other third-party surety posts cash bail for a defendant, the clerk shall accept payment by credit card, debit card, or other electronic funds transfer and shall not collect the service fee authorized by said statute;
- s. **MARRIAGES:** Marriages shall be performed only by appointment;
 - t. **HELP DESKS.** All help desks, including, but not limited to, the Guardianship Assistance Desk for Minors, 69 W. Washington St., Chicago, shall operate only by videoconference;
 - u. **OTHER:** Non-essential gatherings, meetings, and travel are canceled, and orders to attend programs, including, but not limited to, Traffic Safety School and SWAP, are entered and continued until rescheduled; as needed, further information shall be published on the court's website:
<http://www.cookcountycourt.org>.
2. **IT IS FURTHER ORDERED** that this order supersedes Cook County Cir. Ct. G.A.O. 2020-02 (eff. Oct. 17, 2020); and
3. **IT IS FURTHER ORDERED** that this order is effective immediately.

Dated this 23rd day of November, 2020.

ENTER:



Timothy C. Evans

Timothy C. Evans
Chief Judge