

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Cook County Cir. Ct. G.A.O. 2020-02 (eff. Sept. 21, 2020) is hereby amended as follows:

In 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, 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, Cook Co. Cir. Ct. G.A.O. No. 2020-01 (eff. May 28, 2020), as amended, is hereby superseded.

GENERAL ADMINISTRATIVE ORDER: 2020-02

SUBJECT: COVID-19 EMERGENCY MEASURES, RESUMPTION OF OPERATIONS

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, Public Defender, Sheriff, Circuit Clerk, County Board President, the Circuit Court Executive Committee, and representatives of the private bar, and pursuant to Ill. S. Ct. R. 21(b) and the court's inherent authority,

IT IS HEREBY ORDERED that, except as provided below or as otherwise ordered by the judge presiding, effective July 6, 2020, the circuit court will begin hearing all matters in all Districts and Divisions of the court with the exception of jury trials;

IT IS FURTHER ORDERED that, except as provided below or as otherwise ordered by the judge presiding, effective July 6, 2020, all matters in all Districts and Divisions of the court shall be conducted by videoconference to the extent reasonably possible, 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, 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; self-represented litigants in the sheriff's custody shall be provided access to court proceedings by videoconference or in person, as ordered by the judge presiding;

IT IS FURTHER ORDERED that all persons must wear masks or other face coverings in the courthouse, including while in the courtrooms; notwithstanding the foregoing provision,

participants shall not be required to wear masks or other face coverings while speaking on the record, and sign language interpreters shall not be required to wear masks 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. R. 46 (eff. May 22, 2020);

IT IS FURTHER ORDERED that, as provided by the executive orders of the State of Illinois, as they may be amended from time to time, 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 July 6, 2020

a. ALL DIVISIONS AND DISTRICTS:

- i.** Judges will be available, either on-site or remotely, in each division and district to hear emergency matters;
- ii.** Judges shall contact the attorneys and self-represented litigants in all cases on their docket currently scheduled for a hearing of any kind and determine the following:
 - 1.** whether a hearing is necessary;
 - 2.** whether a necessary hearing can be conducted by videoconference, teleconference, or must be conducted with some or all participants in the courtroom;
 - 3.** the date of the next court proceeding, including any continuance;
- iii.** Notwithstanding the provisions of section 1(a)(ii) of this order, the Presiding Judge of a District or Division shall, alternatively, establish procedures for rescheduling cases by administrative order, as long as such procedures are consistent with the remainder of this order;
- iv.** In cases in which all parties are self-represented, the judge presiding shall direct the circuit clerk to send the parties a postcard scheduling the matter on the court's calendar or provide notice through the sheriff if a party is in custody, and court personnel shall contact the parties to the extent it is reasonably possible and notify them of the new court date in their case; on the new court date, the court shall request an email address or phone

number at which the court may contact the self-represented parties to schedule future matters;

- v. In-person court dates 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;
- vi. When defendants in criminal cases are permitted to return to court, by administrative order or order of the judge presiding, the failure of a defendant not in custody to appear on the first return court date shall not result in the issuance of a warrant, and a continuance for 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 consideration the COVID-19 pandemic emergency and public safety considerations; the clerk shall send notice of each court date to the defendant at the address on the defendant's bond;
- vii. 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;
- viii. Initial and responsive pleadings and responsive motions may be filed, as provided in Ill. S. Ct. R. 9 (eff. Jan. 1, 2020), in person or by electronic filing with the circuit clerk;
- ix. Mandatory arbitration hearings currently scheduled on or before July 6, 2020, shall be rescheduled;
- x. 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;
- xi. The judge presiding, together with 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 at the Leighton Criminal Court Building;

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 whenever it is reasonably possible to do so:
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. any hearing conducted under the Sexually Violent Persons Commitment Act at which no witness testimony will be taken; and
 7. any hearing, upon waiver of any right the person in custody or confinement may have to be present physically;
 - a. waiver of physical presence for those persons who have been placed on electronic monitoring and are charged with violent felonies, such as murder or Class X violent offenses, is not automatically waived and must be ordered by the judge presiding;
 - b. for any hearing where the physical presence of the defendant(s) has been waived, the physical presence of victims and witnesses is excused;
 8. Unless ordered to be physically present by the judge presiding, the defendant may waive his or her physical presence and appear by videoconference;
- iii. Until further order of the court, at the discretion of the judge presiding and upon the defendant's execution of a waiver of physical presence, bench trials may be held in person, by videoconference, by teleconference or a combination of those means;
- iv. Any delay 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 defendant for purposes of

sections 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 whenever it is reasonably possible to do so:
 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 delay 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 the remainder of this order;
- ii. Except in actions in which the subject property is unimproved land, or contains an abandoned or vacant structure, all mortgage foreclosure judgments, evictions in furtherance of a foreclosure, and foreclosure sales pursuant to the Illinois Mortgage Foreclosure Law, 735 ILCS 5/15-1101, *et seq.*, are stayed until further order of the court, including any court order in furtherance of a foreclosure, such as an order for default, summary judgment, and orders approving sales; other contested motions may continue to be litigated and ruled upon by the court, including, but not limited to, discovery motions, special representative motions, and receiver motions;

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 resume hearings at the above locations via teleconference or videoconference whenever it is reasonably possible; otherwise, at the discretion of the judge presiding, considering the input of the parties, in person hearings shall be allowed;
- iii. All proceedings normally heard in Branches 42 and 50, including preliminary examinations or hearings, shall continue to be heard in the Second District;
- iv. Unless otherwise ordered by the judge presiding, all in-person misdemeanor and traffic matters are hereby continued until further order of the court; the circuit clerk shall provide notice of the new court date to the parties;

- 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 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 the remainder of this order;

i. CIVIL NO CONTACT ORDERS, CIVIL ORDERS OF PROTECTION, FIREARMS RESTRAINING ORDERS, STALKING NO CONTACT ORDERS:

- i. Petitions for emergency orders in cases where the parties are not involved in a pending Domestic Relations matter shall be heard at 555 W. Harrison St., Chicago, and in Municipal Districts 2, 3, 5, and 6;
- ii. Petitions for any of the following sought in connection with a 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 respective Division:
 - 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 whenever reasonably possible 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 the remainder of 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 the remainder of 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 the remainder of this order;
 - ii. The Presiding Judge shall establish procedures for pretrial proceedings in cases that were ready for trial but were not permitted to proceed due to the COVID-19 pandemic, as well as cases that cannot proceed after July 6, 2020, because of 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 in cases as provided in provision n(ii) above;
 - iv. For cases scheduled for jury trial, with the agreement of the parties to a bench trial, the Presiding Judge shall establish procedures for cases to be heard by bench trial, via video conference when reasonably possible or in-person;
- o. **PROBATE DIVISION:** 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 the remainder of 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:** Beginning July 6, 2020, marriages shall be performed in Marriage Court or at courthouses only by appointment;
 - t. **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 further resumption of operations shall be pursuant to order of the chief judge;
3. **IT IS FURTHER ORDERED** that this order supersedes Cook County Cir. Ct. G.A.O. 2020-01 (eff. May 28, 2020); and
4. **IT IS FURTHER ORDERED** that, except as otherwise provided herein, this order is effective October 17, 2020.

Dated this 16th day of October, 2020.

ENTER:



Timothy C. Evans
Chief Judge

