

STATE OF ILLINOIS)
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COUNTY OF DU PAGE)

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



IN THE MATTER OF COURT OPERATIONS)
UNDER THE EXIGENT CIRCUMSTANCES CREATED) Administrative Order 20-17
BY THE CORONAVIRUS (COVID-19))

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, due to the frequently changing circumstances involved with the COVID-19 pandemic, measures must continue to be implemented and updated to both protect the health and safety of all those working inside the courthouse and the public, and to ensure the fair and efficient access to justice; and,

WHEREAS, Governor JB Pritzker has extended the “Stay at Home” Executive Order 2020-10 through April 30, 2020; and,

WHEREAS, Administrative Order 20-8 (as amended) effective March 17, 2020, rescheduled all matters in the 18th Judicial Circuit through April 17, 2020; and,

WHEREAS, Administrative Order 20-8 (as amended) provided that the Court may issue further orders, as necessary, to address the changing circumstances surrounding the Coronavirus pandemic.

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:

This Administrative Order 20-17 is effective April 7, 2020 and until further order of Court. This Order supplements, and to the extent any provisions are inconsistent, supersedes Administrative Orders 20-8 (as amended) through and including 20-16. In all other respects, the provisions of Administrative Orders 20-8 (as amended) through and including 20-16 remain in full force and effect.

IT IS FURTHER ORDERED that, other than those matters subject to the exceptions enumerated under each division below, all matters in all divisions of the 18th Judicial Circuit currently scheduled on or between April 20th and May 15, 2020 are rescheduled for 30-60 days from their scheduled court date. Rescheduled dates can be viewed by attorneys at <https://eaccess.18thjudicial.org> (*eaccess*) and by the general public at <https://epay.18thjudicial.org> (*epay*).

IT IS FURTHER ORDERED that matters originally scheduled for trial or evidentiary hearing, except those subject to the exceptions enumerated under each division below, shall be rescheduled for status and setting.

IT IS FURTHER ORDERED that, as a result of this Order, traffic courts in Addison, Downers Grove, and traffic courtrooms 1001 and 1003 inside the DuPage County courthouse remain closed through May 15, 2020.

IT IS FURTHER ORDERED that the DuPage County courthouse remains open for essential court business on a limited scale consistent with this Order from 8:00 A.M. to 4:30 P.M. daily. The prior prohibition on physical entry into the courthouse after 3:00 P.M. is hereby vacated.

IT IS FURTHER ORDERED AS FOLLOWS:

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 mandates.

- a. Judges should use video or telephone conferences for court proceedings, whenever practicable.
- b. Judges should enforce social distancing by reasonably limiting the number of persons and their time spent inside the courtroom.
- c. Judges should waive a litigant's appearance, whenever possible.

CRIMINAL MATTERS

1. Bond Court:

- a. All initial bail hearings conducted Monday through Friday, except those in which an order of no bail is sought pursuant to 725 ILCS 5/109-1 (a), and all motions to modify bond for in-custody defendants shall be heard in courtroom 4016 at 8:00 A.M.
- b. Afternoon bond court shall be heard in courtroom 4016 at 4:00 P.M.
- c. Weekend and holiday bond court will continue to be heard in courtroom 1000 at 8:00 A.M.

2. Felony Division: All matters, other than those subject to the exceptions below, will be rescheduled by the Circuit Court Clerk to a future court date consistent with this Order. Rescheduled dates can be viewed by attorneys at *eaccess* and by the general public at *epay*.

The following exceptions apply:

- a. Matters set for arraignment or preliminary hearing.
- b. Matters with in-custody defendants or a speedy trial demand.
- c. Bench and jury trials in matters described in (b) shall be handled on a case-by-case basis. When necessary, judges may continue trials pursuant to Illinois Supreme Court Order M.R. 30370 made effective by Administrative Order 20-16 on April 7, 2020.
- d. Emergency motions.
- e. Whenever practicable and subject to the Court's discretion, a defendant's appearance may be waived.

3. Misdemeanor & Traffic Division: All matters, other than those subject to the exceptions below, will be rescheduled by the Circuit Court Clerk to a future court date consistent with this Order with notice by mail to all interested parties, except attorneys. Rescheduled dates can be viewed by attorneys at *eaccess* and by the general public at *epay*.

The following exceptions apply:

- a. Matters with in-custody defendants or a speedy trial demand.
- b. Matters set for first appearance on previously filed petitions to rescind a summary suspension.
- c. Matters set for summary suspension hearings on previously filed petitions to rescind.
- d. Bench and jury trials in matters described in (a) shall be handled on a case-by-case basis. When necessary, judges may continue trials pursuant to Illinois Supreme Court Order M.R. 30370 made effective by Administrative Order 20-16 on April 7, 2020.
- e. Emergency motions
- f. Whenever practicable, and subject to the Court's discretion, a defendant's appearance may be waived.

4. Juvenile Matters: All matters, other than those subject to the exceptions below, will be rescheduled by the Circuit Court Clerk to a future date consistent with this Order with notice by mail to all interested parties.

The following exceptions apply:

A. Abuse and Neglect Matters:

- a. Shelter Care Hearings shall proceed at 9:00 A.M. and will be heard in courtroom 3001A.
- b. Any removal motions required due to a minor(s) being endangered shall proceed.
- c. Any motion to return a minor(s) home to their parents shall proceed.
- d. 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 and evidentiary hearings with in-custody minors shall be handled on a case-by-case basis. When necessary, judges may continue trials pursuant to Illinois Supreme Court Order M.R. 30370 made effective by Administrative Order 20-16 on April 7, 2020.
- d. Emergency motions shall proceed.

5. Orders of Protection: Petitions and hearings on the following matters will be heard from 9:00 A. M. until 3:30 P.M. in courtroom 4016 and again at 4:00 P.M. Bond Court in courtroom 4016:

- a. Emergency and plenary orders of protection.
- b. Stalking no- contact orders.
- c. Civil no-contact orders
- d. Firearm restraining orders.

6. Specialty Courts: Drug Court, MICAP, FOCUS and Veterans Court

- a. All matters will be rescheduled by the Circuit Court Clerk to a future court date consistent with this Order with notice by mail to all interested parties, except attorneys. Rescheduled dates can be viewed by attorneys at *eaccess* and by the general public at *epay*.
- b. Staffings for Drug Court, MICAP, and Veterans Court will continue in a manner and method in the judge's discretion.

CIVIL MATTERS

1. Chancery Division:

a. All matters set at 9:00 a.m. will be rescheduled by the Circuit Court Clerk to a future court date consistent with this Order. Rescheduled dates can be viewed by attorneys at *eaccess* and by the general public at *epay*.

b. All matters set at any time other than 9:00 a.m. will be addressed by an order issued by the assigned judge on the date they are originally scheduled to be heard. Any future date will be set by court order and can be viewed by attorneys at *eaccess* or by the general public at *epay*.

c. 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. Those parties using electronic orders may submit agreed orders using the court's electronic system via *eaccess*. 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.

d. Contested hearings shall be decided without oral argument unless a specific request for oral argument is made by one or both of the parties. Whether oral argument occurs shall be at the sole discretion of the judge. Either a new hearing date will be set by court order or arrangements to have oral argument by CourtCall, teleconference or videoconference shall be made. For all contested motions, whether oral argument or not, the moving party shall email courtesy copies at least 7 days before the hearing to the judge's secretary. No hard copies shall be mailed or delivered.

e. 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.

f. 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 or videoconference at the discretion of the judge. Pursuant to local court rule, all emergency motions must be filed with an affidavit attesting to the emergency.

g. All settlement conferences, final trial conferences and civil trials will be rescheduled to a future court date consistent with this Order for status and setting pursuant to (b) above.

h. Foreclosures and Forcibles (Evictions) shall be suspended until and including May 15, 2020. All matters set at 8:30 A.M. and 1:30 P.M. will be rescheduled by the Circuit Court Clerk to a future court date consistent with this Order with notice by mail to all interested parties, except attorneys. Rescheduled dates can be viewed by attorneys at *eaccess* and by the general public at *epay*. However, for those cases already filed and that

involve discovery, the parties may proceed with discovery. Further, the Court may, in its discretion, sign agreed orders consistent with (b) above.

- i. Mental Health hearings will proceed as originally scheduled.

2. Domestic Relations Division

- a. All matters, other than those subject to the exceptions below, will be rescheduled by the Circuit Court Clerk to a future date consistent with this Order. Rescheduled dates can be viewed by attorneys at *eaccess* and by the general public at *epay*.

- b. All matters with pro se litigants will be rescheduled by the Circuit Court Clerk to a future date consistent with this Order with notice by mail to all interested parties.

- c. Administrative Orders 20-10 (Prove-ups), 20-11 (Pre-trial conferences), and 20-15 (Contested Hearings) remain in full force and effect.

The following exceptions apply:

- Emergency motions shall proceed and will be heard by the on-call judge.
- 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.
- Returns on orders of protection that are assigned to a dissolution case shall be heard by the on-call judge on a timely basis.
- Pursuant to Illinois Supreme Court Order M.R. 30370, made effective by Administrative Order 20-16 on April 7, 2020, trials rescheduled by the Circuit Court Clerk will be reset for trial and such trial may or may not be heard on the rescheduled date at the judge's discretion.
- Matters set at 8:30 A.M. 9:00 A.M., 9:15 A.M., 9:21 A.M., 9:25 A.M., 9:30 A.M. and 9:45 A.M. will proceed on the rescheduled court date.

3. Law Division:

- a. All matters set at 9:00 a.m. will be rescheduled by the Circuit Court Clerk to a future court date consistent with this Order. Rescheduled dates can be viewed by attorneys at *eaccess* and by the general public at *epay*.

- b. All matters set at any time other than 9:00 A.M. will be addressed by an order issued by the assigned judge on or before the date they are originally scheduled to be heard. Rescheduled dates can be viewed by attorneys at *eaccess* and by the general public at *epay*.

- c. All Small Claims matters will be rescheduled by the Circuit Court Clerk to a future court date consistent with this Order with notice sent by mail to all interested parties except

attorneys. Rescheduled dates can be viewed by attorneys at *eaccess* and by the general public at *epay*.

d. 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.

e. Contested hearings shall be decided without oral argument. A party may request oral argument. Such a request must be made 7 days in advance of the hearing date. The decision to proceed with oral argument shall be at the sole discretion of the court. If the court grants the request for oral argument, either a new hearing date will be set by court order or arrangements to have oral argument by CourtCall or teleconference shall be made. For all contested motions, whether oral argument or not, the moving party shall email courtesy copies at least 7 days before the hearing to the judge's secretary. No hard copies shall be mailed or delivered.

f. 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.

g. 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. The decision to proceed with oral argument shall be at the sole discretion of the court. Arrangements will then be made for argument in court, by CourtCall or telephone or videoconference at the discretion of the judge. Pursuant to local court rule, all emergency motions must be filed with an affidavit attesting to the emergency.

h. All settlement conferences, final trial conferences and civil trials will be rescheduled to a future court date consistent with this Order for status and setting pursuant to (b) above. The parties can obtain a copy of the signed order at *eaccess*.

OTHER MATTERS

a. **Jury Service:** No jury trials will take place before May 18, 2020.

b. **Grand Jury:** The grand jury empaneled on April 2, 2020 shall serve through May 14, 2020. No new grand jury shall be empaneled before May 18, 2020.

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

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

e **Marriage and Civil Union Ceremonies:** No ceremonies will be performed until May 22, 2020.

f. **Safe Harbor Children's Waiting Room:** The Waiting Room is closed until May 18, 2020.

g. **DuPage County Law Library:** The Law Library will be closed until May 18, 2020. Telephonic and electronic information requests will be fulfilled during this closure based on the availability of required resources.

h. **Summonses:** All Summonses that have been served with return dates of April 20 through May 15, 2020, shall be returnable on the rescheduled court date.

i. **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 and training or education seminars and meetings involving outside participants remains in full force and effect.

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

Entered this 7th day of April, 2020 and effective April 7, 2020.

ENTER:



Daniel P. Guerin
Chief Judge

Dated: April 7, 2020
Wheaton, Illinois