

This Administrative Order 20-26 is effective June 8, 2020 and remains in effect 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 20-25; Administrative Orders 20-21 and 20-24 are unaffected by this Order.

IT IS FURTHER ORDERED that the DuPage County courthouse remains open for court business consistent with this Order from 8:00 A.M. to 4:30 P.M. daily and all court divisions return to hearing all court matters, whether in-person or remotely, according to the policy and procedure set forth herein. Court dates can be viewed by attorneys at eaccess.18thjudicial.org (*eaccess*) and by the general public at epay.18thjudicial.org (*epay*).

IT IS FURTHER ORDERED that as a result of this Order the traffic courts in Addison (temporarily relocated to 505 N. County Farm Road, Wheaton pursuant to Administrative Order 20-23), Downers Grove and traffic courtrooms 1001 and 1003 inside the DuPage County courthouse are hereby open to conduct court business consistent with the policy and procedure set forth herein.

IT IS FURTHER ORDERED that the following procedures and safeguards are hereby implemented to protect the health and safety of all persons entering court facilities:

1. REDUCED COURT CALLS: In order to reduce the number of persons inside court facilities, the daily court calls in all felony, misdemeanor, juvenile and traffic courtrooms are reduced and the daily court calls in all chancery, domestic relations and law courtrooms are proceeding by remote means only, subject to certain exceptions herein, and until further order of court.

2. COURT APPEARANCES WAIVED: The court appearance of all persons represented by a private attorney or public defender on any felony, misdemeanor, juvenile or traffic court matter is hereby waived until or unless such court appearance is expressly ordered by a judge. (Administrative Order 20-22, effective May 14, 2020)

3. TEMPERATURE READINGS: Temperature readings will be taken of all persons entering a court facility through the use of thermal screening. Any person registering a confirmed temperature of 100.4 degrees or above will be denied entry and will receive a new court date by mail from the Circuit Court Clerk.

4. FACE-COVERINGS: All attorneys and other members of the general public able to medically tolerate a face-covering shall be required to wear one when located within the indoor public spaces of the DuPage County courthouse or other court facility. All persons inside a courtroom, including courtroom personnel, shall wear a face-covering. Persons are expected to have their own face-coverings. (Administrative Order 20-19, effective April 28, 2020)

5. SOCIAL DISTANCING: Courtroom and hallway seating has been measured and clearly marked to comply with social distancing requirements. Seating is limited and only those persons integral to the court proceeding (attorney, litigant, witness, victim) should enter the court facility. All other persons may be asked to exit the facility or wait in specially designated waiting areas within the facility.

6. PLEXIGLASS SHIELDS: These shields have been installed inside the courtrooms and other designated areas of the courthouse.

7. HAND-SANITIZER DISPENSERS: These dispensers are located inside the courtrooms and at other designated areas of the courthouse.

8. COURT FACILITY CLEANING AND DISINFECTING: Housekeeping staff conducts frequent and enhanced cleaning and disinfecting of court facility areas and surfaces.

IT IS FURTHER ORDERED AS FOLLOWS:

ALL DIVISIONS: Judges will be present in each division and will handle court calls in-person or remotely consistent with the policy and procedure set forth herein.

- 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 and by requiring persons to maintain six-foot social distancing.
- c. Judges should waive a litigant's appearance, whenever possible.

TRIALS: The May 20, 2020 Illinois Supreme Court Order M.R. 30370 authorizes Chief Judges of each circuit to continue trials until further Supreme Court Order and states, in pertinent part:

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 this 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.

NOW, THEREFORE, IT IS HEREBY ORDERED that pursuant to Illinois Supreme Court Order M.R. 30370 and consistent with Administrative Order 20-25 (effective May 26, 2020) the Chief Judge of the 18th Judicial Circuit orders that all trials may be continued until further order of the Illinois Supreme Court and that all Circuit and Associate Judges of the 18th Judicial Circuit are authorized to continue trials pursuant to Illinois Supreme Court Order M.R. 30370. 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 this 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.

- a. No criminal division jury trials shall take place before July 20, 2020.
- b. No civil division jury trials shall take place before ~~August 24, 2020~~ January 4, 2021.
- c. All bench trials shall take place at a date and time at the assigned judge's discretion.

REMOTE PROCEEDING: A remote proceeding is one handled either telephonically or by video conferencing using CourtCall, Zoom or any other platform acceptable by the assigned judge. When using the Zoom platform; the following rules apply in addition to the rules established by the assigned judge:

- a. All proceedings conducted remotely shall be conducted with the same standards as hearings in a physical courtroom and in accordance with the Illinois Rules of Civil Procedure or the Illinois Rules of Criminal Procedure, the Illinois Supreme Court Rules, Local Court Rules of the 18th Judicial Circuit Court and all other applicable rules and laws.
- b. All persons attending a remote hearing, including attorneys, parties, and witnesses, shall wear appropriate attire and present themselves in compliance with court rules as they would if appearing in a physical courtroom.
- c. All attorneys, parties, witnesses, and other direct participants in a remote hearing shall ensure that there are no interruptions or distractions for the duration of their appearance at the remote hearing. Parties and attorneys participating in remote hearings may not talk over other participants.
- d. Attorneys, parties, and witnesses should sign into the remote hearing using both their first and last names, with attorneys adding "Attorney" in front of their name (an attorney named John Doe would use "Attorney John" for a first name and "Doe" for a last name).
- e. The precise method in which a remote hearing is conducted remains within the discretion of the presiding judge or the judge specially assigned to the case, within the bounds of applicable rules, laws, and practice procedures.
- f. Upon conclusion of the hearing, the Circuit Court Clerk shall not be obligated to maintain any proposed exhibits, stipulations, or other documents submitted by a party.
- g. The record of remote hearings shall be made by the CourtSmart recording system in the judge's courtroom or by an official court reporter. **Any other recordings, screen shots or**

photographs of these proceedings are strictly prohibited. Use of Zoom breakout rooms will be permitted if the Court approves the request. If the parties fail to appropriately communicate during the proceedings, the Court may terminate the hearing.

- h. To ensure that the best quality court record is produced, judges should conduct all remote hearings from the bench in the courtroom.
- i. Further information regarding remote hearings, including a directory of judge's official email addresses, can be found at www.DuPageco.org/courts/62821/.

CRIMINAL MATTERS

1. Bond Court:

- a. Pursuant to Administrative Orders 19-8 (as amended June 18, 2019) and 19-27 (effective December 12, 2019), all initial bail hearings on Category A felony offenses shall be heard in the assigned felony courtroom Monday through Friday. All initial bail hearings on Category B felony offenses, misdemeanor, and traffic offenses shall be heard in video bond court in courtroom 4016 Monday through Friday.
- b. Afternoon bond court shall be heard in video bond court in courtroom 4016 at 4:00 P.M.
- c. Weekend and holiday bond court shall be heard in video bond court in courtroom 1000 at 8:00 A.M.
- d. All motions to modify bond shall be heard in the assigned misdemeanor or felony courtroom or in a bond court, when necessary.
- e. Remote bail hearings using the Zoom platform for persons held in Cook County jail on a DuPage County warrant or persons held at a law enforcement agency on a DuPage County charge who do not meet the COVID-19 screening criteria of the DuPage County jail shall be conducted during business hours Monday through Friday and during weekend and holiday bond court hours.

2. Felony Division

- a. All felony division courtrooms (4000, 4004, 4006, 4010, 4012 and 4014) will be physically open to handle in-person court proceedings consistent with this Order.
- b. Bench trials, evidentiary hearings, sentencing hearings, bail hearings, guilty pleas and other motions/ hearings will be heard on a date and time at the judge's discretion.

3. Misdemeanor & Traffic Division

- a. All misdemeanor courtrooms (3001A, 4001, 4003, 4005, 4007, 4015, 4016 and 4017) will be physically open to handle in-person court proceedings consistent with this Order.
- b. All traffic courtrooms will be physically open to handle in-person court proceedings consistent with this Order. Pursuant to Administrative Order 20-23 (effective May 19, 2020), Addison Traffic Court is temporarily relocated into the courthouse at 505 N. County Farm Road, Wheaton and those matters will be heard in the annex meeting room on the first floor of the courthouse at 10:00 A.M. and 2:00 P.M. Monday through Friday until further order of court. Addison Traffic Court will conduct any trials or hearings pursuant to the procedure outlined in Administrative Order 20-23.
- c. Bench trials, evidentiary hearings, sentencing hearings, guilty pleas and other motions/hearings will be heard on a date and time at the judge's discretion.

4. Specialty & Juvenile Court Division

Specialty Courts: Drug Court, Mental Health Court (MICAP), First Offender Drug Court (FOCUS) and Veterans Court

- a. Courtroom 4002 will be physically open to handle in-person court proceedings consistent with this Order.
- b. Bench trials, evidentiary hearings, sentencing hearings, guilty pleas and other motions/hearings will be heard on a date and time at the judge's discretion.
- c. Staffings and graduations for Drug Court, MICAP, and Veterans Court will continue in a manner and method in the judge's discretion.

Juvenile Courts

1. Abuse and Neglect Matters:

- a. Courtrooms 3000 and 3002 will be physically open to handle court calls in-person or remotely consistent with the policy and procedure set forth herein.
- b. All assigned JA cases shall proceed remotely at the assigned judge's discretion.
- c. Shelter Care Hearings shall proceed in-person at 1:30 P.M. in a courtroom as assigned.

2. Delinquency Matters

- a. Detention hearings shall proceed as scheduled and will be conducted via video conference in courtroom 1000.
- b. Matters with in-custody minors shall proceed as scheduled and will be conducted via video conference in courtroom 1000 or in-person, at the judge's discretion.

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:

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

CIVIL MATTERS

1. Chancery Division

Chancery division includes CH, MR, AD, MH, P, TX, TO, and LM cases in courtrooms 2003, 2004, 2005, 2007, 2009 and 2011.

- a. 9:00 a.m. Status Call: This section applies to all Chancery courtrooms except courtrooms 2003 and 2009. See separate sections below for Courtrooms 2003 and 2009. All matters set for status at 9:00 a.m. will proceed. The parties may proceed in the following manner:
 - Submit an agreed order using the court's electronic system via *eaccess*. All orders must be submitted using the court's electronic filing system. To present electronic orders go to: eaccess.18thjudicial.org. The judge may modify the agreed order at his/her discretion. Parties are encouraged to conference with each other prior to the status hearing for purposes of agreeing to an order and future date; or
 - If an agreed order is not presented, the parties may proceed for status via Zoom video conference or CourtCall, If parties are to proceed via Zoom video

conference, the parties must request to proceed at least two (2) days prior to the status date. The request must include all of the parties' email addresses, case number and caption and must be made to the judge's secretary. The Judge will host the Zoom status hearings and will send an invitation to participate via Zoom. Some of the initially set 9:00 a.m. status matters may be re-set to 1:30 p.m. (or some other time) to allow for Zoom video conference or CourtCall hearings. The parties will be notified of the date and time of their status hearing. Any agreed orders shall be entered by the Court and will eliminate the need for a Zoom or CourtCall hearing. Rescheduled dates can be viewed by attorneys at *eaccess* and by the general public at *epay*.

- b. All Other Matters: 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. Contested hearings shall be decided without oral argument unless a specific request for oral argument is made by the Court or one 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 video conference 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 official email address. No hard copies shall be mailed or delivered.
- d. New motions shall be filed with the Clerk and the parties may present an agreed order using the court's electronic filing system 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.
- e. 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 by email to the judge's official email address of a request for oral argument or at the discretion of the judge. Arrangements will then be made for argument in court, by Zoom or CourtCall at the discretion of the judge. Pursuant to local court rule, all emergency motions must be filed with an affidavit attesting to the emergency.
- f. All settlement conferences may proceed via Zoom video conference, CourtCall, or may be continued at the discretion of the assigned judge. All final trial conferences and civil trials will be continued.
- g. COURTROOM 2003: All Forcible (Eviction) cases shall be suspended through and including June 30, 2020. All Forcible (Eviction) 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 self-represented litigants. Rescheduled dates can be viewed by attorneys at *eaccess* and by the general public at *epay*. The parties may proceed with discovery. Further, the Court may, in its discretion, sign agreed orders consistent with (b) above.

- h. COURTROOM 2009: Due to the volume and nature of the call for Courtroom 2009, not all currently set status matters for Guardianship cases shall proceed as outlined in paragraph (a) above. Any Guardianship emergency matters will be heard in accordance with paragraph (e) above. All other matters set for the 9:00 a.m. status call in room 2009 shall be rescheduled by the Circuit Court Clerk to a future date consistent with this Order. All other matters in Courtroom 2009 set at any other time than 9:00 a.m. shall proceed as outlined in paragraph (b) above. Cases on the court call for a Guardian's Annual Report and/or Annual Accounting may have an order entered by the Court without appearance by a party or by counsel no different than prior practice. In such cases, parties seeking additional relief other than approval of an Annual Report and/or Accounting may proceed consistent with (a) above.
- i. All Mental Health hearings will proceed as originally scheduled.

2. Domestic Relations Division

Domestic Relations division includes D, MR and F cases in courtrooms 2001, 2002, 3001B, 3003, 3004, 3005, 3006, 3007 and 3009.

- a. Domestic Relations cases will proceed to pre-trial conference, status, presentment or hearing through remote platforms only and at a time set by the assigned judge. These platforms include, but are not limited to, Zoom, CourtCall, FaceTime, speakerphone, or any other platform acceptable to the judge hearing the case.
- b. Emergency matters, orders of protection, extended hearings and trials will be conducted in-person by the assigned judge. The Court in its discretion may select certain cases that it deems exigent and in need of expedited disposition to be heard in-person on select afternoons. In determining exigency, the Court may consider certain factors including, but not limited to, age of the case; length of time a specific issue has been pending; reason for delay (other than COVID-19 related); the requirements set forth in Illinois Supreme Court Rules 922 and 923; whether the controversy involves parenting time or harm to minors; immediate or irreparable harm to the marital estate and misconduct of the parties.

As soon as practicable, the Court shall notify the parties and the attorneys that their case has been deemed exigent and shall provide them with the date and time of the proceeding. If a party or an attorney is unable to attend the assigned date and time, the party or attorney shall immediately contact the judge's administrative assistant with that information. Failure to appear may result in the Court proceeding within its discretion.
- c. Effective June 29, 2020, proceedings in courtroom 2002 will be conducted both in-person and remotely pursuant to court order.

- d. Each judge will be present and hear his or her own regularly scheduled call consistent with the terms and procedures set forth herein. In the event neither the parties nor the attorneys for the parties contact the Court in advance to schedule a remote proceeding, the judge will continue that case to a new date. The new date will be chosen at the Court's discretion. Neither the Court nor the Clerk of the Court will send notice of said continuance date. The parties and their attorneys must inquire with the Circuit Court Clerk via the online court imaging system, or any other available means, to find out what date the Court has chosen.
- e. All parties and attorneys seeking a remote proceeding must contact the judge's secretary telephonically or send an email to the judge's official email address. Proceedings will be given a specific time slot between 9:00 a.m. and 4:00 p.m. If scheduling a CourtCall proceeding, the movant must first obtain the date and time from the judge's administrative assistant before making the reservation with CourtCall. At the time of scheduling a remote proceeding, the parties and attorneys must provide the judge's secretary telephonically or send an email to the judge's official email address with the following information:
- Case caption
 - Type of platform to be utilized for the remote proceeding.
 - Time and duration of the proceeding.
 - Nature of the proceeding (prove up, status, presentment hearing, etcetera).
 - E-mail addresses for both parties and/or their attorneys so that the Court can schedule a Zoom meeting and send out invitations or same; or phone numbers to facilitate a conference call.
- f. If a party seeks a Zoom hearing and the other party does not agree to proceed in such manner, each party shall electronically submit a pleading to the Court within 48 hours providing the basis of each party's request for, or objection to the Zoom hearing. The Court will then decide if a Zoom hearing is appropriate.
- g. For Zoom hearings, all pleadings must be electronically submitted to the Court no later than two days prior to the remote hearing date. All proposed exhibits must be electronically submitted to the Court and the opponent no later than two days prior to the remote proceeding.
- h. After the hearing, the Court shall provide a written ruling rule within a timely manner. Rulings will be forwarded to the parties and their attorneys via e-mail. The ruling will also address any future court dates. In proceedings that simply require a new date and do not require a ruling by the Court, the attorneys or the parties may submit an e-mail to the Court with a proposed order for the Court to sign addressing future dates.

- i. This remote process may also be utilized by attorneys for pre-trial purposes if all parties agree. The requirements for pre-trial conferences in Administrative Order 20-11 entered March 23, 2020 must be followed for remote pre-trial activity. No record will be made of remote pre-trial proceedings.
- j. This remote process may also be used for prove-up activities, provided all parties and attorneys agree. The requirements for prove-up activities in Administrative Order 20-10 entered March 23, 2020 must be followed for remote prove up activity, subject to the following modifications:
 - Record shall be made of remote prove up activities using Court Smart.
 - The parties and their attorneys will be allowed to direct and cross-examine the parties present for the remote prove up.
 - The parties have a right to be present remotely for the prove up.
- k. It is preferred that during all remote hearings the parties and their attorneys should participate from separate locations consistent with current social distancing guidelines.
- l. In the event of any audio or video failure during a remote proceeding, the Court in its discretion may continue or terminate the proceeding.
- m. The above procedures remain in effect until further order of the Court. This Court will continue to review and adjust the Order as necessary.

8. Law Division

Law division includes SC, SR, AR, ED and L cases in courtrooms 2000, 2006, 2008, 2010, 2014, 2016, 2018 and 2020.

- a. Electronic orders on all matters are strongly encouraged. To present electronic orders go to eaccess.18thjudicial.org. Electronic orders submitted in advance of the next court date will be entered on the next court date unless an email is sent to the judge's official email address requesting prompt entry.
- b. All matters set for status will proceed. The parties may proceed in the following manner:
 - i. Submit an agreed order in advance of the status date; or
 - ii. Proceed by CourtCall by going to CourtCall.com or calling (888)882-6878 before 2:00 P.M. the preceding business day; or
 - iii. Zoom video conference, see paragraph d below.

- c. Contested hearings may be decided may be decided via Zoom video conference, CourtCall or based upon the pleadings without oral argument. The manner in which a contested motion is decided is at the sole discretion of the court.
- d. If parties choose to proceed via Zoom video conference, the parties should send an email to the judge's official email address for the Zoom invitation for the specific courtroom status call. See also the general instructions for Zoom procedures under the heading Remote Proceeding in this order which detail case requirements and behavior for Zoom hearings.
- e. 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 may be decided without oral argument unless a party notifies the judge by email to the judge's official email address 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, by CourtCall or telephone or video conference at the discretion of the judge. Pursuant to local court rule, all emergency motions must be filed with an affidavit attesting to the emergency.
- f. All final trial conferences and civil trials set prior to August 24, 2020 will be continued. Settlement conferences may proceed via Zoom video conference or CourtCall at the discretion of the assigned judge.
- g. Orders can be viewed by attorneys at *eaccess* and by the general public at *epay*.

9. Other Matters

- a. Arbitration Hearings: No arbitration hearings will take place before July 28, 2020.
- b. Jury Service: No Criminal division jury trials will take place before July 20, 2020. No Civil division jury trials will take place before ~~August 24, 2020~~ January 4, 2021.
- c. Marriage and Civil Union Ceremonies: Beginning June 11, 2020, ceremonies will be conducted on Thursdays and Fridays and each business day of a non-jury week by appointment only and until further order of the Court. Appointments may be scheduled by calling 630-407-8232. The rules and guidelines for ceremonies are available at <https://www.dupageco.org/courts/>.
- d. Safe Harbor Children's Waiting Room: The Waiting Room is closed until further order of the court.
- e. DuPage County Law Library: The Law Library will resume regular operations on June 8, 2020.

- f. 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 and until further order of the court.

IT IS FURTHER ORDERED the court may issue further orders, as necessary, to address the changing circumstances surrounding the COVID-19 pandemic.

Entered this 26th day of June, 2020 and **effective immediately**.

ENTER:



Daniel P. Guerin
Chief Judge

Dated: June 26, 2020
Wheaton, Illinois