

IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT

GENERAL ORDER 20 - 09

*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 03 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 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 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; and

WHEREAS, there remains a State of Emergency in the State of Illinois and the Twenty-Third Judicial Circuit;

NOW THEREFORE, the Chief Judge of the 23rd Judicial Circuit, in further consultation with, and the concurrence and consent of the Circuit Judges 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 Friday, May 1, 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.
4. 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.

5. Each county, subject to the discretion of the Presiding Judge, may continue to perform marriages in the courthouse, if needed. Persons seeking to be wed should contact the court administrator for the respective county to schedule a wedding, and the court administrator will advise you of any specific restrictions which may be in effect for that county.
6. 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.
7. The Sheriffs of DeKalb and Kendall Counties shall cease the execution of eviction orders relating to residential real estate effective March 18, 2020, and continuing through the end of business on Friday, May 1, 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 May 1, 2020.

Enter: April 3, 2020.

A handwritten signature in black ink, appearing to read 'R. Pilmer', written over a horizontal line.

Hon. Robert P. Pilmer
CHIEF JUDGE