

IN THE SIXTEENTH JUDICIAL CIRCUIT
GENERAL ORDER 21-01
Effective January 15, 2021

IN THE MATTER OF)
AMENDING GENERAL ORDER 20-07,)
GENERAL ORDER 20-14,)
GENERAL ORDER 20-18,)
GENERAL ORDER 20-22,)
GENERAL ORDER 20-29 and)
GENERAL ORDER 20-30)
COVID-19 EMERGENCY MEASURES)
IMPACTING COURT OPERATIONS)

<i>Alicia J. Bennett</i> Clerk of the Circuit Court Kane County, IL.	
JAN 15 2021	
FILED	<u>72</u>
ENTERED	_____

WHEREAS, in light of the Coronavirus rate of infection continuing to increase, and in order to protect the health and safety of the general public, Circuit Court Judges and Circuit Court employees, and after consultation with the offices of the Kane County State’s Attorney, Public Defender, Sheriff, Circuit Clerk, County Board, and representatives of the private bar, and pursuant to Illinois Supreme Court Rule 21(b) and the Court’s inherent authority; and

WHEREAS, the Circuit Court has, pursuant to the Illinois Supreme Court’s order of March 17, 2020, reduced its operation to essential activities; and

WHEREAS, the Illinois Supreme Court’s order of May 20, 2020, allows circuits to adopt their own plans for resumption of court activity; and

IT IS HEREBY ORDERED, that General Order 20-07, effective March 17, 2020, amended and superseded by General Order 20-14, effective April 6, 2020, amended and superseded by General Order 20-18, effective April 22, 2020, amended and superseded by General Order 20-22, effective June 1, 2020, amended and superseded by General Order 20-29 effective November 30, 2020, amended and superseded by General Order 20-30, effective November 30, 2020 and is amended and superseded by this General Order.

IT IS FURTHER ORDERED, that except as necessary for the purposes enumerated below, all judges and judicial employees of the Circuit Court of Kane County shall be encouraged to work remotely and conduct business telephonically or via videoconference from the effective date of this order. All Judges will be available to sign orders remotely and conduct remote hearings at their discretion.

IT IS THEREFORE ORDERED, that effective January 15, 2021, the following procedures are in effect in the 16th Judicial Circuit:

- 1) **REMOTE COURT ACTIVITY:** Effective January 15, 2021, all Divisions will continue to hear all matters remotely, with the exception and provisos set forth below. Each Division has entered Administrative Orders titled “In the Matter of Covid-19 Temporary Procedures for _____ Matters” establishing temporary procedures for

each division. Attorneys and self-represented litigants appearing in these divisions should consult the Administrative Orders to learn about the scheduling and procedures that must be followed for each division.

- 2) **CRIMINAL JURY TRIALS:** All Criminal jury trials set between November 30, 2020 and January 21, 2021 remain canceled. Criminal jury trials will begin on January 28, 2021, subject to limitations on the number that can be accommodated. This order incorporates the language contained in the Illinois Supreme Court order M.R. 30370 signed May 20, 2020. “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 the 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.”
- 3) **CIVIL JURY TRIALS:** Civil Jury Trials will begin no sooner than March 1, 2021.
- 4) **COURTROOM 005:** Courtroom 005 will be open for in-person appearances for emergency orders of protection, stalking/no contact orders, civil no contact orders and plenary orders of protection hearings.
- 5) **MASK/FACE COVERINGS:** Pursuant to General Order 20-21, all persons in public areas of the courthouse, including courtrooms, must wear a mask/face covering unless the judge presiding over the courtroom gives permission to remove the mask/face covering in order to participate in court proceedings.
- 6) **ADDITIONAL PERSONS DISCOURAGED:** In the event that an in-person appearance is authorized by the Judge, litigants will not be allowed to bring any other person with them to the courthouse. Individuals appearing with litigants will be asked to remain outside of the building due to the number of individuals in the courthouse.
- 7) **REMOTE HEARING:** Parties should plan to appear as scheduled, to make a timely appearance, and should familiarize themselves with the “Guidelines for Virtual Courtroom Proceedings of the Sixteenth Judicial Circuit” and the Illinois Supreme Court Remote Access Policy, effective January 1, 2020, and revised effective June 1, 2020.

A “remote hearing” is one that is conducted either telephonically or via a video conferencing system. A “remote hearing” includes, but is not limited to, status dates,

pleas, motion hearings, and trials. The 16th Judicial Circuit will be utilizing the Zoom video conferencing platform.

Each judge may exercise his or her discretion in establishing additional parameters for remote hearings. In misdemeanor and felony matters, a clerk and court reporter must be present either in-person, telephonically, or by video conferencing when contested remote hearings are held to ensure a record is made.

- 8) **BENCH WARRANTS AND DEFAULTS:** Judges may refrain, in appropriate circumstances, from the issuance of bench warrants or the entry of default judgments.
- 9) **BOND CALL (COURTROOM 005):** All bond calls will continue to be heard at the Kane County Judicial Center, Room 005. Aurora and Elgin bond call matters are to be heard in the Kane County Judicial Center, Room 005.
- 10) **MENTAL HEALTH:** All hearings will continue as scheduled.
- 11) **SPECIALTY COURTS:** Drug Court, Treatment Alternative Court (Mental Health Court), and Veterans Court will be held remotely. Defendants may be ordered to appear by his/her Probation Officer.
- 12) **GRAND JURY:** Both the Tuesday and the Friday afternoon grand juries will continue to meet in person at the Kane County Judicial Center. As the grand jury is an essential function of government and the criminal judicial system, the ability of the grand jury to carry out its responsibility is vital to the administration of justice. Unlike most other court functions, the grand jury is by law a secretive body. Because grand jury secrecy cannot be ensured if hearings are conducted remotely via Zoom or another similar platform, the Kane County grand juries will continue to meet in person at the Judicial Center at their regularly scheduled times.
- 13) **WEDDINGS:** Weddings will not be performed until further order of Court.
- 14) **KANE COUNTY LAW LIBRARY & SELF HELP LEGAL CENTER:** The Law Library and Self Help Legal Center will physically re-open on March 1, 2021.
- 15) **ARBITRATION/BANKRUPTCY/WORKERS COMPENSATION:** All hearings set between November 30, 2020, and February 28, 2021, are to be continued and rescheduled until March 1, 2021, and after.
- 16) **CHILDREN'S WAITING ROOM:** The waiting room will be closed until further order of the Court.
- 17) **OTHER MATTERS:** Non-essential gatherings, meetings, and travel are canceled, and programs that are scheduled for the Kane County Courthouse, Kane County Judicial

Center, or the Kane County Juvenile Justice Center including but not limited to Kids1st, Traffic Safety School, and Victim Impact Panel are continued until after March 1, 2021.

The Court may issue further Orders, as necessary, to address the changing circumstances surrounding the Coronavirus pandemic.

Entered this 15th day of January 2021, and effective January 15, 2021.



Clint Hull, Chief Judge

A true copy of the original of this document is on file in my office
Attest: Jan 15 2021
Theresa E. Barreiro
Circuit Court Clerk, Kane County, Illinois
By: Theresa E. Barreiro
Deputy Clerk