

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
VERMILION COUNTY, ILLINOIS**

**SUPPLEMENTAL ADMINISTRATIVE ORDER NO. 2020-5**

**RE**

**EMERGENCY COURT OPERATIONS DURING THE COVID-19 PANDEMIC**

The Circuit Court for the Vermilion County in the Fifth Judicial Circuit of Illinois adopts the following Supplemental Administrative Order:

**WHEREAS**, on March 17, 2020, the Illinois Supreme Court entered an Order - *In re: Illinois Courts Response to COVID-19 Emergency, MR. 30370*, directing all courts to establish and periodically update temporary procedures to minimize potential exposure to and the impact of the 2019 Novel Coronavirus [COVID-19] pandemic on judicial operations, while continuing to provide access to justice, and further directed that all non-essential matters and proceedings be continued or, if feasible, conducted remotely;

**WHEREAS**, the Presiding Circuit Judge for Vermilion County has been granted temporary emergency administrative authority to enter orders affecting the general operation of the Rita B. Garman Vermilion County Courthouse pursuant to authority granted by the Chief Circuit Judge under Supreme Court Rule 21(b);

**WHEREAS**, on March 17, 2020, pursuant to said authorities, the Presiding Judge of Vermilion County entered Administrative Order No. 2020-1, directing that measures be taken in response to the pandemic. These measures were intended to balance health and safety concerns with the need to continue to provide essential court services to the citizens of the County. These measures restricted access to the Courthouse; incorporated the use of videoconferencing and teleconferencing to minimize contact; followed social distancing practices; and temporarily suspended non-essential court functions;

**WHEREAS**, on March 20, 2020, to further minimize potential exposure to COVID-19, the Illinois Supreme Court entered an Order - *In re: Illinois Courts Response to COVID-19 Emergency/Impact on Trials, MR. 30370*, authorizing the continuance of all civil and criminal jury trials for sixty (60) days, and suspending speedy trial terms during said time period. On that same day, the Chief Circuit Judge entered an Administrative Order continuing all civil and criminal jury trials within the 5<sup>th</sup> Judicial Circuit for sixty (60) days, and suspending speedy trial terms during said period;

**WHEREAS**, on March 20, 2020, the Governor of the State of Illinois issued Executive Order No. 8, ordering and directing all citizens of the State to remain at home or other place of residence unless performing an essential function; and

**WHEREAS**, the Presiding Judge, acting on behalf of the Circuit Judges of Vermilion County, considers it to be in the best interests of the health and welfare of all courthouse employees and patrons, and the community at large, to further minimize in-person contact in an effort to impede the spread of COVID-19, by amending Administrative Order 2020-1 and adopting the following superseding provisions:

**NOW, THEREFORE, IT IS ORDERED:**

1. **Effective Date:** This Supplemental Administrative Order is effective March 25, 2020 and its precautionary measures shall remain in effect through April 17, 2020, unless extended by further order of the court.
2. The provisions of Administrative Order No 2020-1 are hereby supplemented, and to the extent inconsistent herewith superseded. In all other respects, the provisions of Administrative Order No 2020-1 remain in full force and effect.
3. The Courthouse will operate at a reduced capacity, performing only essential functions. Court Administration, Probation and Court Services, and the Offices of the Circuit Clerk, State's Attorney, and Public Defender have been authorized to reduce staff working on site.
4. Only the following hearings/court proceedings shall be conducted from within the Courthouse through April 17, 2020:
  - a. All bail and bond review hearings and arraignments for individuals who are arrested and/or in custody;
  - b. Hearings related to violations of supervision and probation for in-custody defendants;
  - c. Other criminal law matters with the defendant in-custody at the discretion of the judge presiding over the case, including plea hearings;
  - d. Hearings to determine a defendant's fitness to stand trial;
  - e. Forfeiture proceedings;
  - f. Grand jury proceedings;
  - g. Motions involving Statutory Summary Suspension;
  - h. Emergency and plenary petitions for protective orders (including, but not limited to, orders of protection, stalking, no contact, civil no contact and firearm surrender orders);
  - i. Detention hearings for juveniles who are in custody;
  - j. Juvenile Delinquency adjudicatory hearings for in-custody minors;
  - k. Shelter Care and other essential hearings for minors in abuse, neglect, and dependency cases; and
  - l. Mental health hearings for involuntary commitment or treatment.

If feasible and subject to constitutional limitations, the court will utilize telephone or video conferencing systems to remotely conduct said hearings.

5. Subject to the discretion of the judge presiding over a case, any hearing or trial not covered by this Supplemental Administrative Order is hereby continued and a notice of hearing shall be mailed to the litigants/attorneys of record at their last known address, all in conformity with Administrative Order 2020-1. Litigants should ensure that their mailing addresses are current with the Circuit Clerk's office.
6. **Jury Service:** The Jury Commission Coordinator shall notify all jurors who have been summoned for trials scheduled within the next thirty (30) days that their service is not required during said period and is deferred. No jury panel shall be summoned by the Circuit Clerk until that scheduled for May 26, 2020, except upon order of the Presiding Judge.
7. **Temporary Procedures in the Civil Divisions:** During the term of this Supplemental Administrative Order, the following provisions apply to the Civil Divisions:
  - a. All hearings and bench trials currently scheduled from the present date through April 17, 2020, are continued, except as otherwise noted in this Supplemental Administrative Order and true emergencies.
  - b. The judge presiding over a case, in his/her discretion, may conduct any hearing by telephone conferencing in lieu of postponement/continuance and will advise attorneys and self-represented litigants accordingly. The attorneys/self-represented litigants are ordered to be on the telephone together at the appointed time and then contact the court.
  - c. Discovery in civil law cases will continue as scheduled.
  - d. Pleadings and other documents may continue to be filed electronically pursuant to Supreme Court Rule.
  - e. Emergency motions may be filed electronically and the court advised of the filing through email (with all counsel or self-represented litigant(s) copied) to the appropriate judge through court administration staff. Matters determined by the court to be of an emergency nature will be heard in-person, or by telephone conference if possible. Attorneys are advised emergency matters must in fact be actual emergencies. Matters deemed to not be emergencies are subject to sanctions.
  - f. In any case, counsel may, and are encouraged, to submit agreed or non-contested orders electronically and via email to the appropriate judges. Agreed Orders so submitted must in the Notes section of the filing:

1. be marked "AGREED";
2. identify the attorney presenting the order; and
3. provide a brief recitation of the status of the case.

All Agreed Orders must be approved as to form by all counsel or self-represented litigant(s). NOTE: simply because the parties are in agreement, does not mean the court will automatically approve and enter the order. The court may make any modifications or additions it deems appropriate.

- g. On other contested motions, the parties may agree, and are encouraged to forego oral argument on contested motions, and the court may simply rule based on the briefs. The court will make the decision whether oral arguments are necessary and if so, said oral arguments may be presented by telephonic conference call at a time agreed by the parties and court in advance. The attorneys are ordered to be on the telephone together at the appointed time and then contact the court, anticipating that arguments will be completed within 20 minutes.

**8. Temporary Procedures in Family Law Cases:** During the term of this Supplemental Administrative Order, the following provisions apply to the Family Law Divisions:

- a. All hearings and bench trials currently scheduled from the present date through April 17, 2020, are continued, except as otherwise noted in this Supplemental Administrative Order and true emergencies.
- b. The court may conduct currently scheduled pre-trial hearings and other non-substantive matters by telephone conference, and may in his/her discretion, conduct other hearings by telephone conferencing in lieu of postponement/continuance and will advise attorneys and self-represented litigants accordingly. The attorneys/self-represented litigants are ordered to be on the telephone together at the appointed time and then contact the court.
- c. Discovery in family and domestic relations cases will continue as scheduled.
- d. Pleadings and other documents may continue to be filed electronically pursuant to Supreme Court Rule.
- e. Counsel may, and are encouraged, to submit agreed or non-contested orders electronically and via email to the appropriate judge. Agreed Orders so submitted must in the Notes section of the filing:
  1. be marked "AGREED";
  2. identify the attorney presenting the order; and

3. provide a brief recitation of the status of the case.

All Agreed Orders must be approved as to form by all counsel or self-represented litigant(s). NOTE: simply because the parties are in agreement, does not mean the court will automatically approve and enter the order. The court may make any modifications or additions it deems appropriate.

- f. **Emergency Matters:** Emergency motions may be filed electronically and submitted through email (with all counsel or self-represented litigant(s) copied) to the appropriate judge through court administration staff. Matters determined by the court to be of an emergency nature will be heard in-person, or by telephone conference if possible. Attorneys are advised emergency matters must in fact be actual emergencies. Matters deemed to not be emergencies are subject to sanctions.

**9. Temporary Procedures in Criminal Law Cases:** During the term of this Supplemental Administrative Order, the following provisions apply to the Criminal Law Divisions:

- a. Any Felony and Misdemeanor matters, including plea hearings, may be heard at the discretion of the judge presiding over the division. The judge may, subject to constitutional limitations, conduct hearings by telephone conferencing in lieu of postponement/continuance and will advise attorneys and self-represented litigants accordingly. The attorneys/self-represented litigants are ordered to be on the telephone together at the appointed time and then contact the court.
- b. Discovery in criminal law cases will continue as scheduled.
- c. Counsel may, and are encouraged, to submit agreed or non-contested orders to the appropriate judge. Agreed Orders so submitted must be marked "AGREED."

All Agreed Orders must be approved as to form by all counsel or self-represented litigant(s). NOTE: simply because the parties are in agreement, does not mean the court will automatically approve and enter the order. The court may make any modifications or additions it deems appropriate.

- d. Pursuant to the authority granted by Supreme Court Order - MR. 30370, hearings upon motions for reduction of bond and bond reviews may be conducted via the court's video conferencing system and the court may consider testimony given in such hearings by such means.

**10. Restrictions upon Entry into the Courthouse:** No member of the general public shall enter the Courthouse (beyond the Circuit Clerk's Office Lobby) beginning March 25, 2020 through

April 17, 2020, absent specific authorization from the court. State and County employees and elected officials essential to court operations (judges, court administration staff, deputy circuit clerks, state's attorney's staff, public defender staff, court security, court reporters and specialists, probation services staff, building and grounds staff, information technology staff, and the like), litigants, and witnesses may enter the Courthouse during this time to conduct essential court business and/or operations, all subject to the health and travel restrictions contained in Administrative Order No. 2020-1.

**11.** No visitor may attend any court proceeding held in the Courthouse, effective immediately and continuing until further order of the court. Visitors who are solely present to observe hearings shall be denied entry to the Courthouse by Court Security, except upon order of the Presiding Judge.

**12. Payment Due Dates:** The Circuit Clerk will continue to accept payments for court-ordered assessments, fines, fees, costs, restitution, and maintenance (alimony). Nothing in this order shall be construed as extending the due date of maintenance or child support payments. However, the due dates for all court-ordered assessments, fines, fees, costs, and restitution in Traffic, DUI, criminal felony, criminal misdemeanor, and juvenile delinquency cases are hereby extended for ninety (90) days. Persons owing payments in these criminal, traffic and delinquency matters will not be penalized or face interest or late charges for failing to remit payments on the original due dates. The public is reminded that certain traffic tickets may still be paid by mail and online. For more information, the public should call: (217) 554-7720.

**13. Miscellaneous:**

- a. The court may issue further orders as necessary to address the circumstances arising from the COVID-19 pandemic, including re-assessing the situation following the suspension period to determine whether normal operations may resume or additional suspension time is still required to avoid the risk of spreading the COVID-19 virus.
- b. The Clerk of the Circuit Court is to notify all parties of record by posting this Supplemental Administrative Order on its website and by other appropriate means.
- c. It is further ordered that this Supplemental Administrative Order be filed in the Office of the Circuit Clerk of Vermilion County, Illinois and be made available to the public.
- d. This Supplemental Administrative Order is effective *instanter*.
- e. This Supplemental Administrative Order shall be posted upon the County's website.

- f. And finally, in the words of U.S. District Judge Amy Totenberg of Atlanta: “Be kind to one another in this most stressful of times. Remember to maintain your perspective about legal disputes, given the larger life challenges now besetting our communities and world.”

**Dated:** this 25<sup>th</sup> day of March, 2020

  
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Thomas M. O'Shaughnessy, Presiding Judge