

IN THE SIXTEENTH JUDICIAL CIRCUIT
GENERAL ORDER 20-17
effective April 22nd, 2020

IN THE MATTER OF)
AMENDING GENERAL ORDER 20-09)
COURT OPERATIONS)
PURSUANT TO COVID-19 PANDEMIC)
IMPACT ON TRIALS)



WHEREAS in light of the Coronavirus pandemic, 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, Circuit Clerk, and representatives of the private bar, and pursuant to Illinois Supreme Court Rule 21(b) and the Court’s inherent authority; and

WHEREAS, the Supreme Court of Illinois issued Order M.R. 30370 on March 20, 2020; and

WHEREAS, said order resulted in the General Order 20-09 in the 16th Judicial Circuit entered on March 25, 2020; and

WHEREAS, the Supreme Court of Illinois issued Order M.R. 30370 on April 7, 2020 which amends its previous order of March 20, 2020; and

WHEREAS, said Order of April 7, 2020 directs that “the Chief Judges of each circuit may continue trials until further order of this Court”; and

WHEREAS, said Order further directs that 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; and

WHEREAS, in order to follow the emergency declarations of our state and national authorities the Chief Judge of the 16th Judicial Circuit specifically finds that the interests of justice so require the continuance of these matters due to the state and nationally recognized public health dangers of summoning a jury and/or conducting trials, and that the ordering of these continuances is in the best interest of the public, including parties, witnesses, and all court personnel.;

IT IS THEREFORE ORDERED, by the Chief Judge of the 16th Judicial Circuit of Illinois that this Order amends and supersedes General Order 20-09 of the 16th Judicial Circuit entered on March 25, 2020.

IT IS FURTHER ORDERED, by the Chief Judge of the 16th Judicial Circuit of Illinois that all matters set for trial in the 16th Judicial Circuit of Illinois are continued as follows:

A. FELONY DIVISION (COURTROOMS 319, 313, 311, 305, and 217)

All felony trials currently set for August 3, 2020, and every day thereafter remain set for trial and are unaffected by this Order.

All felony cases currently set for trial between the dates of the effective date of this General Order and July 31, 2020, are continued for status and the setting of a new trial date. The Circuit Clerk will provide notice of the new status date. Any party may also motion up a felony case set for trial prior to August 3, 2020, to reschedule the trial date to a date on or after August 3, 2020.

Pursuant to the authority granted by the Illinois Supreme Court, the speedy trial term of all cases set for trial prior to August 3, 2020, remain excluded from the speedy trial computations from the date of General Order 20-09 (March 25, 2020) Order up to and including the rescheduled trial date.

B. TRAFFIC AND MISDEMEANOR DIVISION (COURTROOMS 209, 203, AURORA BRANCH COURT, ELGIN BRANCH COURT, and KANE COUNTY BRANCH COURT)

All cases currently set for trial on August 3, 2020, and every day thereafter remain set for trial and are unaffected by this Order.

All traffic and misdemeanor cases set for trial between the effective date of this General Order and July 31, 2020, are continued for status and the setting of a new trial date. The Circuit Clerk will provide notice of the new status date.

Any party having a misdemeanor in-custody trial set between the effective date of this General Order and July 31, 2020, may motion the case up to re-set the trial date to a date on or after August 3, 2020.

Pursuant to the authority granted by the Illinois Supreme Court, the speedy trial term of all cases set for trial prior to August 3, 2020, remain excluded from the speedy trial computations from the date of General Order 20-09 (effective March 25, 2020) Order up to and including the rescheduled trial date.

C. JUVENILE DIVISION (COURTROOMS 140 and ROOM 001)

All cases currently set for trial on August 3, 2020, and every day thereafter remain set for trial and are unaffected by this Order.

All cases set for trial between the dates of the effective date of this General Order and July 31, 2020, are continued for status and the setting of a new trial date. The Circuit Clerk will provide notice of the new status date.

Any party having an in-custody trial set between the effective date of this General Order and July 31, 2020, may motion the case up to reset the trial date to a date on or after August 3, 2020.

Pursuant to the authority granted by the Illinois Supreme Court, the speedy trial term of all cases set for trial prior to August 3, 2020, remain excluded from the speedy trial computations from the date of General Order 20-09 (effective March 25, 2020) Order up to and including the rescheduled trial date.

D. CIVIL DIVISION (COURTROOMS 350, 340, 320, 310, 250, 150, 120, and 110)

All trials set on August 3, 2020, and every day thereafter, remain set for trial. All trials set between the effective date of this General Order and July 31, 2020, are continued. The Circuit Clerk will reschedule all cases set for trial during this period for status and re-setting of trial.


E. FAMILY DIVISION (COURTROOMS 211, 201, 113, 111, and 101)

All trials set on August 3, 2020, and every day thereafter, remain set for trial. All trials set between the dates of the effective date of this General Order and July 31, 2020, are continued. The Circuit Clerk will reschedule all cases set for trial during this period for status and re-setting of trial.

Entered this 22nd day of April 2020 and effective April 22, 2020.



Clint Hull, Chief Judge

A true copy of the original of this document is on file in my office
Attest: 4/22, 20 20
Thomas M. Hartwell
Circuit Court Clerk, Kane County, Illinois
By: 
Deputy Clerk

IN THE SIXTEENTH JUDICIAL CIRCUIT
GENERAL ORDER 20-18
Effective April 22nd, 2020

IN THE MATTER OF)
AMENDING GENERAL ORDER 20-07)
AND GENERAL ORDER 20-14)
COVID-19)
EMERGENCY MEASURES)
IMPACTING COURT OPERATIONS)



WHEREAS, in light of the Coronavirus pandemic, 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,

IT IS HEREBY ORDERED, that General Order 20-07, entered on March 16, 2020, amended and superseded by General Order 20-14, entered on April 6, 2020, is amended and superseded by this General Order.

IT IS FURTHER ORDERED, that General Order 20-09 and General Order 20-17 pertaining to the continuation of trials remains in full force and effect.

IT IS FURTHER ORDERED, that except as provided below, all matters in the 16th Judicial Circuit, Kane County, Illinois, are rescheduled and continued through June 1, 2020. All matters will be continued for a period of at least 35 days from the originally scheduled court date, unless the rescheduled date falls on a weekend, in which case it will be continued until the following business day.

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. Beginning May 18, 2020, all judges and judicial employees will return to work as needed. All Judges will be available to sign orders remotely and conduct remote hearings at their discretion. The Circuit Clerk will not schedule remote hearings without first receiving approval from the judge to schedule the matter on his/her court call.

IT IS FURTHER ORDERED, that at any time, there shall be no more than 10 (ten) persons in the courtroom at the same time unless otherwise allowed by the sitting judge of that courtroom, and all persons in the courtroom shall maintain a minimum distance of 6 (six) feet from all other persons in the courtroom.

IT IS FURTHER ORDERED, that the Sheriff of Kane County shall cease the execution of eviction orders relating to residential real estate effective March 15, 2020. The Sheriff shall resume execution of said orders beginning June 1, 2020, if allowed under Executive Orders entered by the Governor of the State of Illinois.

IT IS FURTHER ORDERED AS FOLLOWS:

- 1) **ALL DIVISIONS:** Assigned Judges will be available in person in each division to hear emergency matters.
- 2) **BOND CALL (COURTROOM 005):** All bond calls will 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.

REMOTE HEARINGS: 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. Kane County will be utilizing the Zoom video conferencing platform.

The Circuit Clerk will not schedule remote hearings without first receiving approval from the judge to schedule the matter on his/her court call. At the discretion of the assigned judge, remote hearings may be scheduled pursuant to administrative orders entered by the Presiding Judge of each Division.

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.

- 3) **FELONY DIVISION (COURTROOMS 319, 313, 311, 305, and 217):** All cases will be continued except for the following:
 - a) In-custody cases in which a plea agreement has been reached that will allow for the defendant to be released from custody;
 - b) In-custody bond reduction motions that may result in the defendant being released from custody;
 - c) Remote hearings; and
 - d) Emergency motions.

- 4) **DUI COURT (COURTROOM 203):** All cases will be continued except for:
 - a) In-custody cases in which a plea agreement has been reached that will allow for the defendant to be released from custody;
 - b) In-custody bond reduction motions that may result in the defendant being released from custody;
 - c) In-custody self-represented defendants sent from Aurora, Elgin, and Kane County branch courts;
 - d) Statutory Summary Suspension hearing in which an agreement to continue has not been reached;
 - e) Remote hearings; and
 - f) Emergency motions.

- 5) **DOMESTIC VIOLENCE COURT (COURTROOM 209):** All cases will be continued except for the following:
 - a) In-custody cases in which a plea agreement has been reached that will allow for the defendant to be released from custody;
 - b) In-custody bond reduction motions that may result in the defendant being released from custody;
 - c) Order of Protection hearings;
 - d) Remote hearings; and
 - e) Emergency motions;

- 6) **COURTROOM 005:** All Emergency Orders of Protection, Bond Call and Warrants will be heard each day.

- 7) **FAMILY DIVISION (COURTROOMS 211, 201, 113, 111, 101):** All cases will be continued except for Temporary Restraining Order's, emergency matters, Orders of Protection, and remote hearings.

8) **JUVENILE DIVISION:**

a) **ABUSE AND NEGLECT (COURTROOM 140):** All Abuse and Neglect cases will be heard at the Juvenile Justice Center, Courtroom 001. All cases will be continued except for the following:

- i) Shelter Care and Shelter Care re-hearings;
- ii) Any removal motions required due to a minor(s) being endangered;
- iii) Any motion to return a minor(s) home to their parents;
- iv) Remote hearings; and
- v) Emergency motions.

b) **DELINQUENCY (COURTROOM 001):** All cases will be continued except for the following:

- i) Detention and Detention Re-hearings;
- ii) In-custody cases in which a plea agreement has been reached that will allow for the minor to be released from custody;
- iii) In-custody bond reduction motions that may result in the minor being released from custody; and
- iv) Remote hearings; and
- v) Emergency motions.

9) **CIVIL DIVISION (COURTROOM 350, 340, 320, 310, 250, 150, 120, 110):** All cases will be continued except for the following

- a) Emergency motions. Matters agreed by all parties to be emergencies will be heard and may be conducted through either an in-person or remote hearing. Discovery in civil matters will continue as scheduled.
- b) Evictions and Foreclosures shall be suspended until June 1, 2020.
- c) Mandatory Arbitration hearings shall be rescheduled and continued until after June 1, 2020.
- d) All Workers Compensation and Bankruptcy hearing scheduled in Courtroom 240 are cancelled until June 1, 2020.

- e) The Court suspends through June 1, 2020, Local Rule 6.02(c) and Civil Division Standing Procedural Order dated October 1, 2018, which requires in many instances that paper courtesy copies of filings be delivered to the judge. This means that no courtesy copies may be submitted by regular mail, express mail, FedEx, or UPS for filings made through June 1, 2020.
- 10) **MENTAL HEALTH** hearings will continue as scheduled.
- 11) **VIOLATION OF PROBATION (COURTROOM 123):** All violation of probation cases are continued except for the following:
- a) In-custody cases in which a plea agreement has been reached that will allow for the defendant to be released from custody;
 - b) In-custody bond reduction motions that may result in the defendant being released from custody;
 - c) Remote hearings; and
 - d) Emergency motions.
- 12) **BRANCH COURTS (AURORA, ELGIN, and KANE):** All Branch Courts are closed until June 1, 2020. Cases are rescheduled to an arresting agency's next court date or no less than 35 days for pre-trial cases and a minimum of 60 days out for post-trial cases. Court call sizes shall not exceed 250 cases.
- 13) **SPECIALTY COURTS (COURTROOM 123):** Drug Court, Treatment Alternative Court (Mental Health Court), and Veterans Court will be held on Wednesday mornings at 9:00 a.m. Defendants are not required to attend court unless directed by his/her probation officer.
- 14) **GRAND JURY:** No new grand jury shall be empaneled before June 1, 2020. Grand juries whose terms expire on or before March 31, 2020 shall be extended until July 30, 2020.
- 15) **WEDDINGS:** Weddings will not be performed until June 1, 2020.
- 16) **KANE COUNTY LAW LIBRARY & SELF HELP LEGAL CENTER:** The Law Library and Self Help Legal Center will be closed until June 1, 2020. Telephone and electronic information requests will be fulfilled during this closure based on the availability of required resources.
- 17) **CHILDREN'S WAITING ROOM:** The waiting room will be closed until June 1, 2020.

- 18) **OTHER MATTERS:** Non-essential gatherings, meetings, and travel are cancelled, and programs that are scheduled for the Kane County Courthouse, Kane County Justice 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 June 1, 2020.
- 19) **SUMMONS:** All Summonses that have been served with return dates of March 17 through June 1, 2020, shall be returnable on the next court date.
- 20) The Court may issue further Orders, as necessary, to address the changing circumstances surrounding the Coronavirus pandemic.

Entered this 22nd day of April 2020, and effective April 22nd, 2020.


Clint Hull, Chief Judge

A true copy of the original of this document is on file in my office
Attest: 4/22, 2020
Thomas M. Hartwell
Clerk Court Clerk, Kane County, Illinois
By: Thomas M. Hartwell
Deputy Clerk