

17th JUDICIAL CIRCUIT COURT

EUGENE G. DOHERTY
CHIEF JUDGE



WINNEBAGO COUNTY COURTHOUSE
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PRESS RELEASE

Date: April 29, 2020

FOR IMMEDIATE RELEASE

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COURT EXTENDS REDUCED OPERATIONS

The 17th Circuit Court, since March 17, 2020, has pared down its operations to handle only “essential matters” as directed by the Illinois Supreme Court. The period of reduced operations has now been extended through the end of May 31, 2020, with the Court hopeful that regular business may resume June 1, 2020.

The Court’s reduced operations mode eliminates all in-person court proceedings with the following exceptions:

- Filings may still be made with the Circuit Clerk, either online or in-person.
- Emergency orders of protection will still be received in the Clerk’s office or via an online portal accessed at www.17thcircuit.illinoiscourts.gov under “Covid-19 Information and Updates” and will be heard. Final (“plenary”) hearings on orders of protection may be conducted if the judge determines that the matter is urgent and time-sensitive.
- The Court will continue to hear matters which it deems essential and time sensitive.
- All criminal jury trials and bench trials are continued to a date on or after June 1, 2020. Civil jury trials are continued to at least July 6, 2020.
- Time-sensitive juvenile court matters will still be heard.

The Court’s criminal court volume is significantly reduced. The Court may host hearings of all matters, including non-essential matters, remotely in a Virtual Courtroom via videoconference or similar means.

Chief Judge Eugene Doherty said that he hopes the end of the current period of reduced operations is in sight. “It goes against our grain to continue so many cases, but we all understand the public health imperative.”

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF BOONE
COUNTY OF WINNEBAGO

2nd AMENDED
ADMINISTRATIVE ORDER 2020-18
TEMPORARY ORDER - COVID-19 PROCEDURE
All Case Types

~~Effective April 20, 2020, and until May 18, 2020~~ **Effective immediately and through May 31, 2020**, the following procedures are being implemented in connection with all Winnebago and Boone County cases as a response to the COVID-19 public health concerns in our community:

A. Orders of Protection, Civil No Contact Orders, and Stalking/No Contact Orders:

1. All emergency orders of protection petitions will continue to be heard. Plenary hearings may be heard at the discretion of the assigned judge if the urgent nature of the circumstances demand it. Electronic hearings are encouraged for any such plenary hearings (see section E, below). Continuation of plenary hearings by agreement to a date after ~~May 17, 2020~~ **June 15, 2020**, is encouraged.
2. Emergency petitions may be presented online and heard via telephone.

B. Civil and Family: (excluding emergency orders of protection, emergency civil no contact orders, and emergency stalking/no contact orders):

1. All **in-person** court dates currently set between ~~April 20, 2020, and May 15, 2020~~ **May 16, 2020, and May 31, 2020**, are hereby canceled and will be continued to a date falling after ~~June 1, 2020~~ **June 15, 2020**. This includes all dates currently scheduled for status, first return, argument, hearing, decision, bench trial or jury trial, **but it excludes matters set for hearing by video conference or similar means**. All cases will eventually be given a new date for status, and parties will be notified by mail. Plenary hearings on orders of protection, **civil no contact orders**, and stalking/no contact orders falling within this period remain set until the judge presiding determines they should be moved.
2. With the agreement of the judge presiding over the case, matters involving exigent circumstances may be set on a date less than 60 days out with court approval. To request an emergency hearing, an attorney shall email the assigned judge, including all counsel in the email chain. The party requesting such a hearing must be able to articulate in the email the emergent nature of the circumstances and why a delay in hearing would be prejudicial. The assigned judge will determine if the matter qualifies as an emergency and set the matter accordingly via the email chain.

3. Agreed settings for non-emergency argument, motion, etc.: Upon motion of a party or the Court's own motion, non-emergency matters may be heard remotely via video or telephone conference. Any party seeking to present a matter via electronic means should contact the office of the presiding judge for scheduling information. If the matter involves one or more self-represented litigants, the judge will require some assurance that the self-represented litigant has the technological capability to appear remotely. The presiding judge will decide whether granting a hearing is appropriate.
4. Self-represented litigants shall continue to file motions with the Circuit Clerk's office. All requests for an emergency hearing shall be in writing and clearly labeled as "emergency", and will be forwarded by the Circuit Clerk to the presiding judge for ruling or scheduling.

C. Criminal and Juvenile:

1. Criminal and Juvenile Courts will be restricting their activity to only essential and time-sensitive matters. The determination as to which matters are essential will be made by the judge presiding over a particular case.
2. As to court dates set between ~~April 20, 2020, and May 17, 2020~~ **May 18, 2020, and May 31, 2020**, each judge will determine matters can be continued, and such cases will be given a new date falling no earlier than ~~May 18, 2020~~ **June 1, 2020**. Defendants' presence will be readily excused in proceedings until ~~May 18, 2020~~ **June 1, 2020**. Attorneys and litigants are encouraged to work with each other and the judge presiding in the applicable courtroom to continue all non-essential matters to a date falling after ~~June 1, 2020~~ **June 15, 2020**, the latter date being chosen to give the court maximum flexibility in the event this order must be extended.

D. All Trials Continued:

1. In conformity with the Order of the Illinois Supreme Court in in M.R. 30370, no **criminal** trials, bench or jury, may proceed in the 17th Judicial Circuit before Monday, ~~May 18, 2020~~ **June 1, 2020**. ~~This order applies to all civil, family, and criminal cases, but it does not apply to hearings on orders of protection or stalking/no contact orders or necessary juvenile hearings.~~ Dates set for **criminal** trial on any judge's calendar falling prior to ~~May 18, 2020~~, **June 1, 2020**, remain on the judge's calendar at the judge's discretion, but they will not proceed to trial. Pursuant to the Supreme Court Court's Order of **April 7, 2020, in M.R. 30370**, in criminal trials the period of delay as a result of this "pause" shall not be attributable to either the State or the defendant for purposes of 725 ILCS 5/103-5, and **"such continuances shall be excluded from speedy trial computations."**

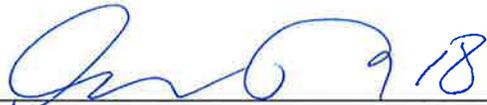
2. **In conformity with the Order of the Illinois Supreme Court in in M.R. 30370, no civil trials, bench or jury, may proceed in the 17th Judicial Circuit before Monday, July 6, 2020. All civil jury trial dates through June 30, 2020, are hereby stricken, with the cases subject to being re-set by the judge presiding in the case to dates no earlier than July 6, 2020. This order applies to all civil, family, and criminal cases, but it does not apply to hearings on orders of protection, civil no contact orders, or stalking/no contact orders.**

- E. **Mode of Hearing:** For any matters continuing in any courtroom, it is the Court's preference that parties appear via some electronic means (e.g., video conference or telephone conference) if possible. For any hearing conducted in person in the courthouse, persons appearing there are required to remain seated at counsel table or behind available lecterns with safe distances (6-10 feet) between themselves and any other persons in the courtroom. While parties have a right to be present whenever a case is called, during the COVID-19 crisis counsel should *strongly discourage* clients from attending hearings unless their presence is essential to the hearing.

~~This order remains in effect until May 18, 2020, or further order of the court. To give flexibility for extension of this order if necessary, matters will be rescheduled to dates falling after June 1, 2020. The court will continue to review and adjust this order as is necessary.~~

This order amends Administrative Order 2020-18 entered on April 21, 2020, and supersedes Administrative Order 2020-14 entered on March 24, 2020.

ENTER: _____


Eugene G. Doherty, Chief Judge

DATED: _____

4/29/20