

STATE OF ILLINOIS)
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NINETEENTH JUDICIAL CIRCUIT)

FILED

MAY 26 2020

EM. Canty
CIRCUIT CLERK

ADMINISTRATIVE ORDER 20-32

NINETEENTH JUDICIAL CIRCUIT
CIRCUIT COURT OF LAKE COUNTY

TEMPORARY PROCEDURES FOR FAMILY DIVISION CASES

Consistent with the Order of the Illinois Supreme Court in M.R. 30370, dated March 17, 2020, which was adopted in response to the COVID-19 outbreak and the emergencies declared by the State and Federal governments, and Administrative Order 20-23, and in order to protect the health and safety of the general public, judges and court employees, and pursuant to Illinois Supreme Court Rule 21(b) and the Court's inherent authority and further considering the factors outlined in Supreme Court Order M.R. 30370, as well as the *Supreme Court Guidelines for Resuming Illinois Judicial Branch Operations During the COVID19 pandemic*;

IT IS HEREBY ORDERED that, Administrative Order 20-26 is vacated.

IT IS FURTHER ORDERED that, the following temporary procedures will apply to all cases assigned to the Family Division of the Nineteenth Judicial Circuit, specifically including cases with the following case designations; D, F and Adoption.

THE FOLLOWING PROCEDURES APPLY UNTIL FURTHER ORDER:

1. **SCHEDULED MOTIONS.** All court hearings scheduled to occur prior to June 1, 2020, are hereby cancelled and will be automatically continued by the Clerk's Office, with certain exceptions set forth herein. All parties of record will receive notice of the continued court date.
2. **SCHEDULED TRIALS.** All trials, and associated final pre-trials, scheduled to occur prior to June 1, 2020, are stricken and the assigned judge will set a status date for resetting of the trial dates.
3. **DISCOVERY.** Discovery in family matters will continue as scheduled per prior administrative orders. In no event shall participants in litigation be penalized if discovery compliance is delayed for reasons related to the COVID-19 emergency. Where discovery has been impractical due to the current emergency, the parties may request relief from deadlines, or they may choose to submit a proposed agreed order using the submittal method for agreed orders outlined in this Administrative Order.

4. **VIDEO DEPOSITIONS.** Video depositions shall be conducted in accordance with the Administrative Order issued by the Illinois Supreme Court on April 29, 2020 in M.R. 30370.
5. **AGREED ORDERS.** The Family Division will accept proposed agreed orders. Proposed agreed orders should be submitted to the Clerk's Office by email at: Upon receipt, the Clerk's Office will forward the proposed agreed order to the assigned judge. If the assigned judge approves the agreed order, the Clerk will present the agreed order to the on-duty judge in the courthouse for signature. The Clerk will then email the signed order to the parties.
6. **STATUS HEARINGS.** Parties who have or had matters set for any type of status before the court are encouraged to remotely submit an agreed order setting forth the status of the case and setting a new status date thereafter. Proposed status orders may be submitted using the submittal method for agreed orders outlined in this Administrative Order.
7. **ALIAS SUMMONSES.** Motions for alias summonses or for service by special order of court pursuant to Section 2-203.1 of the Code of Civil Procedure shall be submitted to the Clerk's Office by email at: ccCivilFiling@lakecountyil.gov, and will be ruled on remotely. Such motions must be supported by adequate affidavits of non-service and must include a proposed order in Microsoft Word.
8. **EMAIL ADDRESSES.** All Movants shall provide the Court with the email addresses of all parties at the time of the request for the hearing.
9. **FEE WAIVERS.** Self-represented litigants seeking fee-waivers may apply without making a court appearance by using the procedure outlined above for agreed orders, i.e., the request should be submitted to the Clerk's Office by email, and the request will be routed for approval to the assigned judge. The order granting or denying the request will be emailed back to the self-represented litigant. Any litigant receiving a fee-waiver may use Zoom to make a remote appearance and request a fee waiver.
10. **FILING BY MAIL.** The Clerk of the Circuit Court may receive, until further Order, Family Division filings by mail or over the counter from Self-Represented Litigants seeking an exemption from electronic filing. All attorneys shall continue to electronically file as mandated by the Illinois Supreme Court.

THE FOLLOWING PROCEDURES APPLY PRIOR TO JUNE 1, 2020:

11. **RULE 218 CASE MANAGEMENT CONFERENCES.** Until further order of the Court, Rule 218 case management conferences/progress calls will not be conducted in court. The parties are encouraged to confer and submit proposed

agreed scheduling orders using the submittal method for agreed orders outlined in this Administrative Order. If the parties are unable to agree and/or no agreed order is timely submitted, the court will unilaterally select a track schedule for the case, and the corresponding Rule 218 order will be entered and sent to the parties by the Clerk. For Rule 218 case management conferences/progress calls that were initially scheduled between March 17 – May 29, proposed 218 orders should be submitted to the court prior to June 14, 2020.

12. EMERGENCY MOTIONS. Any attorney or self-represented litigant wishing to have an emergency matter heard must contact the Clerk’s Office by telephone to schedule the hearing. All emergency matters, whether contested or uncontested, may be heard by remote court appearance via Zoom. All litigants are strongly encouraged to make remote appearances, rather than appear personally in court, in order to diminish the risk of infection. The Clerk’s office will provide Zoom information upon request. For those who do attend court in person, all emergency matters will be heard in Courtroom C-105, regardless of which judge is assigned to the case. Courtroom C-105 has been equipped with video-conferencing equipment, which can be utilized upon request. After June 1, 2020, the procedures for emergency motions set forth in Local Court Rule 4-3.15 (B), shall apply.

13. CONTESTED MOTIONS. For any contested motion that had been set for argument between March 17 – May 29, any party may submit the fully briefed motion to the assigned judge for consideration and ruling. Any such motion must be submitted to the courtroom email box for the assigned judge’s courtroom and must also be mailed to the courthouse by regular mail, addressed to the attention of the assigned judge. The submission shall include a cover letter which has been sent to every party of record. The cover letter shall identify all enclosed briefs and request the court to rule on the fully briefed motion. The submission shall also enclose a Proposed Order in Microsoft Word. The Proposed Order shall include the following alternatives: “Granted”, “Denied”, and “Granted in Part and Denied in Part for the Following Reasons”. The Court, on receiving such motion and related briefs, may review and rule on the motion without oral argument as provided for in Local Rule 4-1.01(Q). If the court determines that oral argument is necessary, the parties will be contacted by the Clerk to schedule an oral argument on Zoom pursuant to Administrative Order 20-13. Either party may request oral argument before the Court by indicating that request on their pleading. Once the court enters an order, the Clerk will send the order to the parties by email and regular mail. Emailed briefs shall be directed to the assigned judges as follows:

C-101	CC101@lakecountyil.gov	Judge DeRue
C-102	CC102@lakecountyil.gov	Judge Christensen
C-103	C103@lakecountyil.gov	Judge Smith

C-105	C105@lakecountyil.gov	Judge Lombardo
C-107	C107@lakecountyil.gov	Judge O'Malley
C-301	CC301@lakecountyil.gov	Judge Fisz
C-302	CC302@lakecountyil.gov	Judge Simonian

IT IS FURTHER ORDERED THAT THE FOLLOWING PROCEDURES TAKE EFFECT JUNE 1, 2020:

- 14. ALL FAMILY PROCEEDINGS TO BE HELD REMOTELY BEGINNING JUNE 1, 2020, WITH LIMITED EXCEPTIONS.** All court proceedings in the Family Division of the Nineteenth Judicial Circuit will be held remotely by Zoom, with limited exceptions. Scheduled court calls will have a Zoom Meeting ID, Password and Link posted by courtroom, date and time at the following web location: <https://19thcircuitcourt.state.il.us/2163/Remote-Court-Hearings>.

A Nineteenth Judicial Circuit Zoom Instruction and Protocol Sheet can be found at the following link:

<https://19thcircuitcourt.state.il.us/DocumentCenter/View/2812/Zoom-Instruction-and-Protocol-Sheet-51820>.

All parties are directed to read and follow the information provided and follow the protocol during Zoom court appearances. Any party who believes they have good cause why they cannot appear via Zoom, may file a motion requesting an in-person court appearance. The motion must set forth a good faith basis for the movant's request along with any proposed in-person or alternative procedure(s). Any in-person court appearance will take place only by order of the court assigned to hear the case.

- 15. FORM OF SUMMONS, CHILD SUPPORT NOTICE, PETITION FOR RULE TO SHOW CAUSE, OR SUPPLEMENTAL PROCEEDING.**

- a. Effective on the date of this order, any newly filed matter and any Child Support Notice, Petition for Rule to Show Cause, or Supplemental Proceeding (regardless of case designation) must contain the following language in the Summons, Notice, or Petition, in both English and Spanish:

“On the date indicated below, do not come to the courtroom. You must instead appear in court using Zoom video or telephone conferencing. This is to protect your safety, and the safety of others. Each scheduled court call will have a Zoom Meeting ID, Password and Link posted by courtroom, date and time at the following website: <https://19thcircuitcourt.state.il.us/2163/Remote-Court-Hearings>.

You should attend court by clicking on this link and entering the Meeting ID and Password. If you fail to attend court by Zoom, you may be defaulted. A **Zoom Instruction and Protocol Sheet** can be found in both English and Spanish at the following website:

<https://19thcircuitcourt.state.il.us/DocumentCenter/View/2812/Zoom-Instruction-and-Protocol-Sheet-51820>.”

“Por motivos de su propia seguridad y la de los demás, las comparecencias en el juzgado se están realizando únicamente por medio de video y teleconferencias vía Zoom. Ninguna audiencia se está llevando a cabo en persona.

La fecha, la hora, el código de identificación de la reunión en Zoom (ID), la contraseña (Password) y la liga de enlace (Link) en que Ud. deberá comparecer estarán indicadas por juzgado y lo encontrará en el siguiente sitio web: <https://19thcircuitcourt.state.il.us/2163/Remote-Court-Hearings>

El horario y enlaces para todas las audiencias judiciales se publicarán en esa página.

Para comparecer, Ud. debe de hacer clic en el enlace que le corresponda a su audiencia en particular.

Las comparecencias son obligatorias y su incumplimiento estará sujeto a las consecuencias judiciales correspondientes.

Las instrucciones sobre cómo utilizar Zoom, las puede encontrar en inglés y/o en español, en la siguiente liga de enlace:

https://19thcircuitcourt.state.il.us/DocumentCenter/View/2813/Spanish_Zoom-Instruction-and-Protocol-Sheet-51820.”

- b. Parties who believe they have good cause why they cannot appear via Zoom, may contact the Circuit Clerk’s Office to request an in-person hearing at **847-377-3209**.

16. **MOTIONS.** For any motion set for presentment on or after June 1, 2020, and until further order of this court, any notice of motion shall contain the following language, “Parties wishing to attend the presentment of this motion shall not appear in person in the courtroom, unless specially ordered to do so by the court. This proceeding will be conducted by Zoom video and telephone conferencing. A Zoom Meeting ID, Password and Link for this court call will be listed by courtroom, date and time at

<https://19thcircuitcourt.state.il.us/2163/Remote-Court-Hearings>.”

- a. If the parties to a motion set for presentment wish to waive briefing, they may appear on Zoom at the time the motion is presented and should be prepared to argue the motion.

- b. If the parties wish to brief the motion, they are strongly encouraged to submit an agreed briefing schedule to the court prior to the presentment date. No court appearance is necessary if an agreed briefing schedule has been submitted and approved by the court. The agreed order must be submitted to the courtroom email box for the assigned judge's courtroom listed in Paragraph 13 of this Administrative Order and sent by regular mail addressed to the assigned judge at the courthouse. No hearing date will be set at the time of presentment, whether the briefing schedule is set by the court, or by agreed order.
- c. At the time the Reply is due, the movant shall supply all courtesy copies for the fully briefed motion to the court, both electronically, through the courtroom email box listed in Paragraph 13 of this Administrative Order, and also by regular mail addressed to the assigned judge at the courthouse. The submission shall include a cover letter which has been sent to every party of record. The cover letter shall identify all enclosed briefs and request the court to rule on the fully briefed motion. The submission shall also enclose a Proposed Order in Microsoft Word. The Proposed Order shall include the following alternatives: "Granted", "Denied", and "Granted in Part and Denied in Part for the Following Reasons".
- d. Once the assigned judge has received the fully briefed motion, he or she will decide whether oral argument is necessary as provided for in Local Rule 4-1.01(Q). If so, the parties will be contacted by the Clerk to schedule a Zoom hearing. If no oral argument is scheduled, the assigned judge shall issue a ruling on the motion within 14 days of the receipt of the briefs. If no ruling is issued on that date, the assigned judge will issue an under-advisement order, and set the case for ruling on a date certain. The parties will not appear in court on the ruling date. They will receive an order from the court by email. Either party may request oral argument before the Court by indicating that request on their pleading.

17. RULE 218 CASE MANAGEMENT CONFERENCES. Rule 218 Conferences will continue to be conducted as specified in Paragraph 11 of this Administrative Order.

18. TRIALS AND EVIDENTIARY HEARINGS. Bench trials and evidentiary hearings will be conducted remotely pursuant to the Nineteenth Judicial Circuit's Zoom Bench Trial Protocol, <https://19thcircuitcourt.state.il.us/DocumentCenter/View/2812/Zoom-Instruction-and-Protocol-Sheet-51820>, which may be modified by standing order of the assigned judge. Remote appearance procedures will apply to all persons participating in bench trials, including the parties, counsel, and witnesses. Parties who can demonstrate good cause why they cannot proceed with a remote trial

may file a motion with the court. Motions requesting an in-person or alternative bench trial method and a proposed order must be filed, and courtesy copies sent to the assigned judges courtroom email box listed in Paragraph 14 of this Administrative Order, at least 14 calendar days prior to the scheduled bench trial. The motion shall set forth the basis for the movant's request along with the proposed alternative procedure(s). The Zoom Bench Trial Protocol will be provided to the parties at least 7 days in advance of the scheduled trial date. The parties can request a copy of this Protocol from the Clerk at any time, and it will be posted on the website of the Nineteenth Judicial Circuit.

19. **PRE-TRIAL SETTLEMENT CONFERENCES.** Pre-Trial Settlement Conferences will be conducted remotely on Zoom. The parties shall electronically submit their pretrial settlement memorandum as required by Local Court Rule 4-3.11 (B) by courtesy copy to the court, via email to the assigned judges courtroom email box listed in Paragraph 13 of this Administrative and by regular mail to the attention of the assigned judge in the courthouse.

Dated this 26th day of May, 2020.

ENTERED:


DIANE E. WINTER,
Chief Judge