

STATE OF ILLINOIS)
) SS
NINEENTH JUDICIAL CIRCUIT)

FILED

JAN 23 2019

ADMINISTRATIVE ORDER NO. 19-04

NINETEENTH JUDICIAL CIRCUIT
CIRCUIT COURT OF LAKE COUNTY

Em. Margaret Wiest
CIRCUIT CLERK

I. Assignment of Petitions for Firearms Restraining Order

Petitions for Firearms Restraining Order as authorized by 430 ILCS 61/1 *et al.* shall be made returnable to Tower Courtroom T-511 at 1:30 p.m.

II. Procedures Governing Firearms Restraining Order

- A. Case Number. Each Petition for Firearms Restraining Order filed with the court shall be electronically filed (e-filed) within the Order of Protection "OP" case category regardless of whether the matter is consolidated with, or related to, another civil or criminal proceeding.
- B. Upon receipt of a petition for a 6-month firearms restraining order, the court shall order a hearing within 30 days.
- C. Ex Parte Orders and Emergency Hearings. Emergency Petitions for Firearm Restraining Order e-filed with the clerk shall be presented to the court in Tower Courtroom T-511 the same day that the petition is filed or the next day that the court is in session. In the event the court in Courtroom T-511 is unavailable, the Petition for Firearms Restraining Order shall be presented as assigned or directed by the Court Administration Office.

If the court issues an emergency firearms restraining order, it shall, upon a finding of probable cause that respondent possesses firearms, issue a search warrant directing a law enforcement agency to seize the respondent's firearms.

The court shall schedule a full hearing as soon as possible, but no later than 14 days from the issuance of an ex parte firearms restraining order, to determine if a 6-month firearms restraining order shall be issued. The court may extend an ex parte order as needed, but not to exceed 14 days, to effectuate service of the order or if necessary to continue protection. The court may extend the order for a greater length of time by mutual agreement of the parties.

- D. Procedures for Emergency Orders sought outside regular business hours. The Chief Judge shall publish a schedule of judges who will be available during non-court hours for the purpose of providing emergency relief under section 35(e) of the Firearms Restraining Order Act (430 ILCS 61/35(e)). The judges named in said schedule shall be considered the nearest and most available judge pursuant to the Act.

Those judges shall be contacted through the Lake County Sheriff's Office in a manner and form determined by the Chief Judge and published to the law enforcement agencies of the County of Lake.

E. Notice of orders.

- (a) Entry and issuance. Upon issuance of any firearms restraining order, the clerk shall immediately, or on the next court day if an emergency firearms restraining order is issued in accordance with Section 35 of the Act (emergency firearms restraining order), (i) enter the order on the record and file it in accordance with the circuit court procedures and (ii) provide a file stamped copy of the order to respondent, if present, and to petitioner.
- (b) Filing with sheriff. The clerk of the issuing judge shall, or the petitioner may, on the same day that a firearms restraining order is issued, file a certified copy of that order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records or charged with serving the order upon respondent. If the order was issued in accordance with Section 35 of the Act (emergency firearms restraining order), the clerk shall on the next court day, file a certified copy of the order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records.
- (c) Service by sheriff. Unless respondent was present in court when the order was issued, the sheriff or other law enforcement official shall promptly serve that order upon respondent and file proof of the service, in the manner provided for service of process in civil proceedings. Instead of serving the order upon the respondent, however, the sheriff, other law enforcement official, or other persons defined in Section 112A-22.10 of the Criminal Code of 1963 may serve the respondent with a short form notification as provided in that Section. If process has not yet been served upon the respondent, it shall be served with the order or short form notification if the service is made by the sheriff, or other law enforcement official.
- (d) Any order renewing or terminating any firearms restraining order shall be promptly recorded, issued, and served as provided in this Section.

DATED this 23rd day of January, 2019.

ENTER:



JAY W. URENA,
Chief Judge