

STATE OF ILLINOIS)
) SS
NINETEENTH JUDICIAL CIRCUIT)



APR 13 2020

ADMINISTRATIVE ORDER 20-28

Administrative Order
Circuit Clerk

NINETEENTH JUDICIAL CIRCUIT
CIRCUIT COURT OF LAKE COUNTY

TEMPORARY PROCEDURES FOR PROBATE 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;

IT IS HEREBY ORDERED that, this Administrative Order is in addition to Administrative Order 20-21 regarding Remote Opening and Closing of Decedent's Estates;

IT IS HEREBY ORDERED that, Administrative Order 20-27 for all Civil Division cases is incorporated herein in regard to all matters including, but not limited to the following: Discovery; Video Depositions; Previously Scheduled Contested Motions; Pre-Trials and Settlement Conferences; Case Status Settings; Scheduled Motions and Trials; and Emergency Motions.

IT IS FURTHER ORDERED that, the following temporary procedures will apply to all cases assigned to Probate:

A. AGREED ORDERS AND UNCONTESTED MATTERS FOR RULING BY EMAIL

1. The Probate Division will continue to accept proposed agreed orders, and uncontested motions and presentations, including, but not limited to the following:
 - a. Approval of Annual accountings;
 - b. Approval of Annual reports;
 - c. Approval of settlements for minors and disabled estates (the local rule 5-3.23 requiring the minor to appear in person is hereby suspended on a temporary basis subject to further order of this court);
 - d. Virtual Representation/Family Settlement Agreements;
 - e. Expenditures or distributions from a guardianship estate;
 - f. Listing or sale of real estate or other assets of a guardianship estate;

- g. Petition for appointment of a guardian ad litem or special administrator;
 - h. Actions of an estate representative in supervised administration; and
 - i. Petitions for Attorney/GAL/Guardians Fees.
2. All requests for an entry of an agreed order, or ruling on uncontested matters, shall be sent to the Clerk's Office by email at cc201@lakecountyil.gov as follows: with a cover letter stating the case name and number, detail of the documents attached, summary of the action requested, and a representation by the attorney of record as to the agreed nature of the request. The documents attached shall include, but not be limited to, the subject motion, any supporting documentation, and the proposed order. If notice to any party would ordinarily be required, the attorney of record must represent that the party to whom notice is required has received all submitted materials and has consented to the proposed action/order.
 3. All proposed draft orders shall be submitted in Microsoft Word.
 4. Upon receipt, the Clerk's Office will forward the filing and the proposed order to the assigned judge. If the assigned judge approves the order, the Clerk will present the order to the on-duty judge in the courthouse for signature. And the Clerk will email the signed order to the parties.
 5. Even where an order is agreed, or uncontested, the Court reserves the right to require additional documentation, to require a hearing, or to deny the proposed order.
 6. In the event the judge does not approve the order, the Clerk will notify the parties, and will provide further instruction, as appropriate.

B. REMOTE HEARINGS OF PETITIONS FOR APPOINTMENT OF A GUARDIAN OF A DISABLED ADULT

1. During the temporary closure of the Court, the Court may hear *Petitions for Appointment of a Guardian of an Adult with Disabilities* (including *Petitions for Appointment of Temporary Guardian*) (hereafter, a "Petition for Guardianship") via CourtCall, consistent with the requirements described herein.
2. Upon filing of a Petition for Guardianship, the Clerk of the Court will assign the matter a date and time for initial hearing via CourtCall. Petitioner may obtain the hearing date by phone from the Clerk of the Court. Petitioner is responsible for contacting CourtCall to be placed on the CourtCall calendar. Petitioner shall send Notice of the assigned CourtCall hearing date and serve the Respondent with Summons as required by 755 ILCS 5/11a-10(e) and (f). The assigned hearing date must take into account the time required for Notice and service of Summons pursuant to 755 ILCS 5/11a-10(e) and (f), except in cases of

emergency supported by affidavit pursuant to Local Rule 2-1.05. Paragraph 11 of Administrative Order 20-23 does not apply to summons issued to a respondent in a guardianship proceeding as guardianship summons are governed by 755 ILCS 5/11a-10(e).

3. Prior to the initial CourtCall hearing date courtesy copies of the following shall be submitted via email to cc201@lakecountyil.gov:
 - a. Cover Letter referencing the name of the Estate, case number, detail of the documents attached, and summary of the action requested;
 - b. Petition for Appointment of Guardian;
 - c. Physician's Report;
 - d. Proposed Order Appointing Plenary Guardian;
 - e. Proposed Order Appointing Temporary Guardian, if appropriate;
 - f. Notice to all persons required by 755 ILCS 5/11a-10(f);
 - g. Summons Served on Respondent pursuant to 755 ILCS 5/11a-10(e);
4. In a hearing conducted via CourtCall, and upon submission of appropriate affidavit, the Court may, in its discretion, waive the appointment of a guardian ad litem pursuant to 755 ILCS 5/11a-10(a).
5. Upon appointing a guardian ad litem, or upon petition of any party, the Court may, in its discretion, order that the guardian ad litem's interview with Respondent or any other interested person be completed via two-way video conference if:
 - a. No appeared party or the Respondent objects to the guardian ad litem completing the proposed interview via video conference; and,
 - b. Video conferencing technology is reasonably available to the guardian ad litem and any other persons participating in the interview.
 - c. During the interview of Respondent, the guardian ad litem must read the *Statement of Guardian Ad Litem to Respondent* to Respondent; and, within one day of completing the video conference interview with Respondent, the guardian ad litem must mail a copy of the *Statement of Guardian Ad Litem to Respondent* to the address at which Respondent is presently residing.
 - d. The guardian ad litem's Report should state whether any interview was conducted via video conference and confirm that the foregoing requirements were met. The guardian ad litem shall have the authority to determine who may, or may not, be present for the interview, and may report to the Court if any person refuses to comply with the guardian ad litem's request.

6. If, upon report of the guardian ad litem (or if no guardian ad litem is appointed), the Court finds that:
 - a. No party is objecting to appointment of the proposed plenary guardian;
 - b. If appointed, the guardian ad litem has recommended that hearing be held via CourtCall; and,
 - c. All notice requirements pursuant to 755 ILCS 5/11a-10(e) and (f) have been satisfied.
 - d. While while it is preferred to hold plenary guardianship hearings in person, the Court may, in its discretion, hold the hearing on appointment of a plenary guardian via CourtCall if necessary, and in the best interests of the alleged disabled.

7. *Hearing on appointment of a Plenary Guardian may not be held via CourtCall where:*
 - a. Respondent or any appeared party has objected to the relief sought in the Petition for Guardianship;
 - b. Cross Petitions for Guardianship are filed;
 - c. If appointed, the guardian ad litem recommends that hearing not be held via CourtCall; or,
 - d. The Court determines that a full and fair hearing cannot be held using CourtCall technology.
 - e. In such case, the Court may consider whether an evidentiary hearing can fairly and practically be held via video conference pursuant to 755 ILCS 5/11a-11.5, or whether the hearing must be deferred until the Court opens for regular business.

8. Hearings on appointment of a temporary guardian may be held via CourtCall in the discretion of the Court.

C. SELF-REPRESENTED LITIGANTS

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 the CourtCall remote appearance service free of charge. Simply advise the CourtCall personnel that you have received a fee-waiver, and they will verify the fee-waiver with the Clerk's Office.

IT IS FURTHER ORDERED that, the Clerk of the Circuit Court may receive, for the duration of Administrative Order 20-27, Civil 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.

Dated this 13th day of April, 2020.

ENTERED:

A handwritten signature in cursive script, appearing to read "Diane E. Winter", written over a horizontal line.

DIANE E. WINTER,
Chief Judge