

IN THE SIXTEENTH JUDICIAL CIRCUIT
AMENDED ADMINISTRATIVE ORDER – CIVIL DIVISION
effective May 4, 2020

Thomas M. Hartke
Clerk of the Circuit Court
Kane County, IL

MAY 4 2020

FILED 018
ENTERED

IN THE MATTER OF COVID-19)
TEMPORARY PROCEDURES FOR)
PROBATE MATTERS)

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 the following temporary procedures will apply to all cases assigned to the Probate Division:

A) AGREED ORDERS AND UNCONTESTED MATTERS FOR RULING BY EMAIL

- 1) The Probate Courtroom 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) Virtual Representation/Family Settlement Agreements;
 - d) Expenditures or distributions from a guardianship estate;
 - e) Listing or sale of real estate or other assets of a guardianship estate;
 - f) Petition for appointment of a guardian ad litem or special administrator;
 - g) Actions of an estate representative in supervised administration; and
 - h) 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 CICCCivilProposedOrders@co.kane.il.us, as well as, the Probate Administrator by email at PattonJeff@16thCircuit.IllinoisCourts.gov or the Civil Judicial Assistant by email at KlattCourtney@16thCircuit.IllinoisCourts.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 as a separate document in PDF or Microsoft Word.

- 4) Upon receipt, the Probate Administrator or the Judicial Assistant will forward the filing and the proposed order to the assigned judge. If the assigned judge approves the order, the Probate Administrator or the Judicial Assistant will present the order to the on-duty judge in the courthouse for signature and then 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 modify or deny the proposed order.
- 6) In the event the judge does not approve the order, the Probate Administrator or the Judicial Assistant will notify the parties, and 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") by way of remote hearing either telephonically or via video through the Zoom platform, consistent with the requirements described herein.
- 2) Prior to filing a Petition for Guardianship, the attorneys shall email the Probate Administrator who will assign a date and time to be entered in the Petition when filing. Upon filing the Petition, the Petitioner is responsible for sending Notice of the assigned court 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.
- 3) Prior to the initial remote hearing date, courtesy copies of the following shall be submitted via email to the Probate Administrator, PattonJeff@16thCircuit.IllinoisCourts.gov or the Civil Judicial Assistant, KlattCourtney@16thCircuit.IllinoisCourts.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); and
 - g) Summons served on Respondent pursuant to 755 ILCS 5/11a-10(e).
- 4) In a hearing, 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 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 refused 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 the hearing be held telephonically or by video; and
 - c) All notice requirements pursuant to 755 ILCS 5/11a-10(e) and (f) have been satisfied.
 - d) Then 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 telephonically or by video if necessary, and in the best interests of the alleged disabled.
- 7) Hearing on appointment of a Plenary Guardian may not be held telephonically or by video 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 the hearing not be held telephonically or by video, or
 - d) The Court determines that a full and fair hearing cannot be held telephonically or by video.
 - e) In such a case, the Court may consider whether the hearing must be deferred until the Court opens for regular business.
- 8) Hearings on appointment of a temporary guardian may be held telephonically or by video 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 Probate Administrator or Civil Judicial Assistant by email, and the request will be routed to the assigned judge for approval. The order granting or denying the request will be emailed back to the self-represented litigant.

Until further order of Court, the Clerk of the Circuit Court may receive 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.



Entered this 4th day of May, 2020

Susan Clancy Boles
Presiding Judge, Civil Division

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

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