

**IN THE CIRCUIT COURT  
OF THE SEVENTH JUDICIAL CIRCUIT  
STATE OF ILLINOIS**

**FILED**

JUN 30 2020 1

 Clerk of the  
Circuit Court

**Sangamon County Administrative Order 2020-13  
Sangamon County Courthouse Procedures for COVID-19 Coronavirus**

**WHEREAS**, The Sangamon County Courts will take all reasonable measures to minimize personal contact to prevent the spread of the COVID-19 coronavirus.

**Whereas**, The Illinois Supreme Court has entered an Order in M.R. 30370 instructing the courts to continue to establish and periodically update temporary procedures to minimize the impact of COVID-19 on the court system, while continuing to provide access to justice.

**Whereas**, the Illinois Supreme Court has entered an Order in M.R. 30370 authorizing for essential court matters and proceedings to be heard.

**Whereas**, the Illinois Supreme Court has entered an Order in M.R. 30370, and subsequently, amended said Order authorizing for trial courts to continue all civil and criminal jury trials indefinitely. Additionally, the Illinois Supreme Court supplemented the authority for the trial courts to continue criminal and civil jury trials to include continuances wherein the court determines proper distancing and facilities limitations prevent trials from proceeding safely.

**Whereas**, the Sangamon County courts have implemented extensive safety precautions and procedures to ensure that jurors can be summoned for service in a healthy and safe environment. Such safety measures as established by the Centers for Disease Control and Prevention, as well as the *Supreme Court Guidelines for Resuming Illinois Judicial Branch Operations During the COVID-19 Pandemic* handbook, specifically include: thorough and repetitious cleansing of highly frequented areas, summoning of a reduced number of potential jurors, staggering groups of jurors that are summoned to avoid congestion, administering body temperature checks to everyone entering the building, requiring facial coverings for entry to the building (Facial coverings are to be properly worn at all times in the building when social distancing is not possible), ensuring social distancing with proper signage and spacing of chairs, restructuring courtrooms and making environmental adjustments to maximize available space, removal of all magazines and books, and the strategic positioning of sanitizer dispensers for the use of jurors.

**Whereas**, an alternative location for jury selection has been established for large gatherings of potential jurors, including the selection of the Grand Jury, as the county board chambers have been reserved to accommodate those proceedings as needed.

**Whereas**, the environmental adjustments and modifications to the courthouse facilities are subject to a review by public health officials on or about July 9, 2020, and the buildings and grounds maintenance crews anticipate that additional safety precautions may be recommended after the site visit.

**Whereas**, even with extensive adjustments made to the facilities and the operations of the jury process, the Sangamon County courts can only safely accommodate one jury trial pre week to be held under the social distancing safety guidelines. If multiple jurors are summoned to court for consecutive days to accommodate multiple trials, the ability of the maintenance staff to sufficiently and effectively clean highly trafficked areas would be compromised to a degree that would render the environment subject to hosting an infectious virus and significantly less safe for the jurors who are summoned for each subsequent trial.

**Whereas**, the Sangamon County courts recognize and emphasize that criminal defendants have been involuntarily incarcerated and subject to uncontrollable continuances for a period in excess of three calendar months without the ability to have cases resolved through the jury process such that it is appropriate to prioritize this category of cases on the jury trial docket.

**Whereas**, the Sangamon County Courts recognize that limiting jury trials to one per week will likely lead to conflicts in the weekly jury trial docket and will likely prevent some criminal cases from proceeding to a jury trial as scheduled when all parties answer ready for trial on more than one case during a trial week.

**Whereas**, a uniform system must be implemented for prioritizing cases during a jury trial week when all parties answer ready for trial on more than one case.

**Whereas**, the intended benefits of expanding the services of the Convenience Court traffic program have been achieved, and continued operation of the program at the current level is not supportable due to the expansion of other operations within the court system that requires the attention of staff and dedication of other valuable resources.

**Whereas**, and with the exception of residential eviction cases, the remaining high volume docket calls that have been previously suspended may now be processed through the Sangamon County Courts, subject to certain filing limitations, as recommended safety precautions have been fully implemented to accommodate the expected increase in pedestrian traffic that is anticipated with the continued expansion of essential court proceedings.

**Whereas**, residential eviction proceedings are subject to a more complex analysis, due to commencement limitations and filing requirements, such that the processing of these cases shall be addressed in a separate Administrative Order entered contemporaneously with, and in contemplation of, this Administrative Order.

**WHEREFORE, IT IS HEREBY ORDERED**, that the operational expansions of Sangamon County court proceedings be imposed as follows:

**Continued Operational Limitations:** All previously imposed operational limitations that have not terminated and that are not directly affected by this Order shall remain in full force and effect as previously implemented, including the continued restriction of unauthorized attendance for courtroom observers and non-material witnesses to all court proceedings. Valid subpoenas continue to be required for witnesses to attend court hearings. Furthermore, facial coverings remain mandatory for entrance to the Sangamon County Complex and are required to be worn at all times when social distancing is otherwise impracticable.

**Expansion of Essential Cases and Court Proceedings:** Beginning July 1, 2020, the Sangamon County courts will resume the processing of all cases previously subject to suspension by prior Administrative Orders, including:

- Criminal Jury Trials (Priority granted to in-custody criminal felony defendants)
- Civil Jury Trials (Must have specific court approval for jury trial prior to Thanksgiving)
- Small Claims/Law Magistrate - Collections
- Chancery (Mortgage Foreclosure)
- Forcible Entry and Detainers – as set forth in a separate Administrative Order

Whenever feasible, and subject to constitutional limitations, all essential matters and proceedings shall be heard remotely, via telephone or video, or other electronic means.

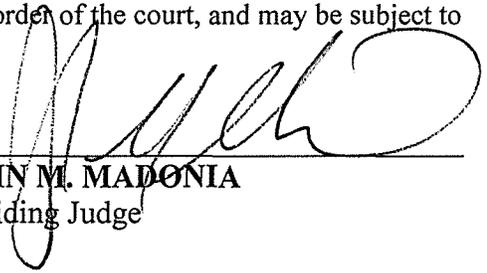
**Jury Trials:** Sangamon County courts will resume jury proceedings beginning July 15, 2020, with the selection of a Grand Jury. Thereafter, trial court jury proceedings will resume on July 20, 2020, at which time, unless otherwise authorized by the assigned trial judge, jurors shall only be called to preside over criminal felony cases involving incarcerated defendants. This priority designation shall be in effect through the Thanksgiving holiday, 2020, and shall be subject to further extension upon additional review and further findings. Unless otherwise authorized by the presiding judge, a limitation of one jury trial per week is imposed until further order of the court. If there is a jury trial week wherein multiple criminal

felony in-custody cases are ready for jury trial, the presiding judge shall review the status of all cases involved in the scheduling conflict and shall consider several factors in determining which case will receive priority to proceed to jury selection. The factors the presiding judge is to consider when prioritizing cases for jury trial, include: the age of the case, the number of days the defendant has been in custody, the number of witnesses and expected length of the trial, the severity of the charges, the status of any victim's rights that might be impacted by delay, and any other relevant factors worthy of consideration. Those cases that were affected by the conflict and continued on the court's motion shall be granted priority status on the next available docket subject to party and witness availability. Any continuances imposed under these circumstances shall be ordered pursuant to Supreme Court Rule M.R. 30370 and with specific findings that unique limitations within the Sangamon County Courthouse, despite the implementation of substantial precautionary measures, prevent multiple jurors from being safely summoned to occupy common space for more than one trial per week.

**Convenience Court traffic program:** Effective July 1, 2020, the Sangamon County Courts shall discontinue the expanded operations of the Convenience Court traffic program. The program will return to normal operating conditions, namely - each Friday that the courthouse is open for business from noon until 1:00 p.m., those that have been cited for eligible traffic offenses may choose to appear during that time and resolve their citations in advance of their scheduled court appearance. Please contact the Sangamon County Circuit Clerk for additional details and information.

**High Volume Docket Calls – Small Claims and Law Magistrate case filing limitations:** Beginning July 1, 2020, Sangamon County courts will resume docketing small claims and law magistrate collections cases for hearings and trials as necessary. In order to stagger the number of respondents summoned to appear at one time, some docketing adjustments have been made and certain plaintiffs, or plaintiff's counsel, have been provided specific days and times for scheduling first appearances on the dockets of the associate judges assigned to hear these cases. Those plaintiffs shall docket their respective cases through coordination with the circuit clerk's office with each judge as assigned. Additionally, the courts are re-establishing a general first appearance docket call for small claims and law magistrate collection cases to be held on Fridays at 1:30 in Courtroom 6C. A pro se plaintiff shall schedule no more than five (5) cases on a single Friday afternoon first appearance docket. An attorney, on behalf of a plaintiff, may schedule no more than fifty (50) cases on a single Friday afternoon first appearance docket. The limit on the number of cases is important to the safe functioning of the court operations and will be monitored by the judge presiding over the proceedings. Plaintiffs or their attorneys who are determined to have violated the scheduling limitations may have their cases continued on order of the court, and may be subject to further filing limitations as the judge deems appropriate.

ENTERED THIS 30<sup>TH</sup> DAY OF June, 2020.



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JOHN M. MADONIA  
Presiding Judge

IN THE CIRCUIT COURT  
OF THE SEVENTH JUDICIAL CIRCUIT  
STATE OF ILLINOIS

 Clerk of the  
Circuit Court

**Sangamon County Administrative Order 2020-14**  
**Sangamon County Courthouse Procedures for COVID-19 Coronavirus**

**WHEREAS**, The Sangamon County Courts will take all reasonable measures to minimize personal contact to prevent the spread of the COVID-19 coronavirus.

**Whereas**, The Illinois Supreme Court has entered an Order in M.R. 30370 instructing the courts to continue to establish and periodically update temporary procedures to minimize the impact of COVID-19 on the court system, while continuing to provide access to justice.

**Whereas**, the Sangamon County courts have implemented extensive safety precautions and procedures to ensure that increased caseloads can be processed in a healthy and safe environment.

**Whereas**, residential eviction docket calls, subject to specified filing limitations, may now be safely processed within the Sangamon County Complex, as recommended safety precautions have been fully implemented to accommodate the expected increase in pedestrian traffic that is anticipated with the continued expansion of essential court proceedings, and docket size limitations have been otherwise established to minimize crowd congestion.

**Whereas**, Evictions may now proceed on a limited basis. Specifically:

- A. Governor Pritzker's Executive Orders 2020-30, 2020-33 and 2020-39, the first of which was entered on April 23, 2020, and which 2020-44 extended through July 26, 2020, generally prohibit the commencement of an eviction "unless a tenant poses a direct threat to the health and safety of other tenants, an immediate and severe risk to property, or a violation of any applicable building code, health ordinance, or similar regulation" (hereinafter the "Emergency Exceptions"), and prohibit the enforcement of a residential or nonresidential eviction order unless a finding is made that it falls within the Emergency Exceptions.
- B. On March 27, 2020, the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (P.L. 116-136) became law, section 4024(b) of which prohibits the following from March 27, 2020, to July 25, 2020:
  - i. Filing an eviction action "to recover possession of [a] covered dwelling from the tenant for nonpayment of rent or other fees or charges";
  - ii. Charging "fees, penalties, or other charges to the tenant related to such nonpayment of rent";
  - iii. Issuing "a notice to vacate" a "covered dwelling"; and
  - iv. Requiring "the tenant to vacate [a] covered dwelling unit before the date that is 30 days after the date on which the lessor provides the tenant with a notice to vacate" (effectively extending the prohibition against filing an eviction action "to recover possession of [a] covered dwelling from the tenant for nonpayment of rent or other fees or charges" to August 24, 2020).
- C. On May 22, 2020, the Illinois Supreme Court issued an Administrative Order amending M.R. 30370 to provide for efficient court administration given the requirements of the CARES Act. This Order applies to "any eviction action

involving a residential premises brought pursuant to the Eviction Act”, and requires, for evictions filed from May 22, 2020, until August 24, 2020, that the plaintiff must “affirmatively state in the complaint or in a supporting affidavit whether the dwelling unit of which the plaintiff seeks possession is a ‘covered dwelling’ within the meaning of . . . the CARES Act”; and for evictions filed after March 27, 2020, but before May 22, 2020, that the plaintiff “must amend the complaint or supplement it with a supporting affidavit stating whether the dwelling unit of which the plaintiff seeks possession is a ‘covered dwelling’ within the meaning of . . . the CARES Act.” The Administrative Order included an attached model Certification Form that meets the Order’s “supporting affidavit” requirement.

**Whereas**, limiting in-person court appearances still is essential.

- A. On May 29, 2020, the Governor reissued his Disaster Proclamation, which will last through June 27, 2020, and, while Executive Order 2020-38 eased some earlier restrictions pursuant to the Governor’s reopening plan, still it advised that “Because in-person contact presents the greatest risk of transmission of COVID-19, Illinoisans are encouraged to continue limiting in-person contact with others”.
- B. On May 20, 2020, the Illinois Supreme Court promulgated Guidelines for Resuming Illinois Judicial Branch Operations during the COVID-19 Pandemic, noting that “Most individuals do not come to court by choice” and admonishing courts to limit in-person appearances.
- C. Sangamon County Courts have declared that “whenever feasible, and subject to constitutional limitations, all essential matters and proceedings shall be heard remotely, via telephone or video, or other electronic means.”

**Whereas**, Trials require the attendance not only of parties, but also of an unknown number of testifying witnesses. Holding trials in eviction cases where a successful plaintiff can only obtain an unenforceable order is inconsistent with the goal of minimizing in-person court appearances and is not an efficient or effective use of Court time, especially considering the quick basis on which eviction trials are accommodated in Sangamon County.

**Whereas**, there is a considerable amount of confusion in the community regarding the status of evictions in light of the Governor’s orders, which are unprecedented measures in an unprecedented time, and it currently is not reasonable to equate a defendant’s failure to appear in response to an eviction summons with an agreement that an unenforceable eviction order may be entered immediately.

**WHEREFORE, IT IS HEREBY ORDERED**, that in order to comply with the requirements of the orders above, to protect health and safety while still providing for the orderly operation of the Court’s essential functions, and to further the efficient and effective administration of eviction orders and court time in Sangamon County, the Court has established the following:

# EVICTION PROTOCOL

## a. **Filing Eviction Complaints**

- i. **Evictions filed before March 27, 2020:** There is no additional requirement for a filed Complaint to remain pending.
- ii. **Evictions filed on or after March 27, 2020, but before April 23, 2020: CARES Act Affidavit** is required. Plaintiff must amend the Complaint or supplement it with a Supporting Affidavit pursuant to the Illinois Supreme Court's Administrative Order stating whether the dwelling unit of which the plaintiff seeks possession is a "covered dwelling" within the meaning of the CARES Act.
- iii. **Evictions filed on or after April 23, 2020:** Plaintiff must file both:
  1. **CARES Act Affidavit:** A Supporting Affidavit pursuant to the Illinois Supreme Court's Administrative Order stating whether the dwelling unit of which the plaintiff seeks possession is a "covered dwelling" within the meaning of the CARES Act; and
  2. **Emergency Exception Affidavit:** An affidavit stating that the action falls within one of the Emergency Exceptions to the Governor's orders.
- iv. **Limitations on scheduling:**
  1. **Pro Se Landlord cases:** First appearances will be docketed on Fridays at 9:00 a.m. in Courtroom 6C and shall be limited to a total of five (5) cases per Plaintiff per docket.
  2. **Attorney Landlord cases:** First appearances will be docketed at 10:00 a.m. on Fridays in Courtroom 6C and shall be limited to a total of 20 cases per attorney per docket.
  3. **Violations of scheduling limitations:** The judge presiding over the Friday first appearance call shall monitor the number of cases set by the parties and any cases set in excess of the established limitations shall be subject to the court's continuance and violators may be subject to additional scheduling limitations as the judge deems appropriate.

## b. **First Appearances While Governor's Orders Suspend Enforcement**

- i. **Defendant appears and agrees to Eviction Order:** If the filing requirements are met, the Court will enter an Eviction Order, but unless it falls under one of the Emergency Exceptions to the Governor's orders, the Court will modify the Order's title to add "Non-Emergency by Defendant's Agreement" and will modify the line ordering Sheriff's enforcement to add "only upon lifting of Governor's orders suspending enforcement".
- ii. **Defendant appears and objects to eviction order:**
  1. **Plaintiff does not claim Emergency Exception:** The Court will continue the First Appearance hearing to a date after the Governor's orders suspending eviction enforcement expire.

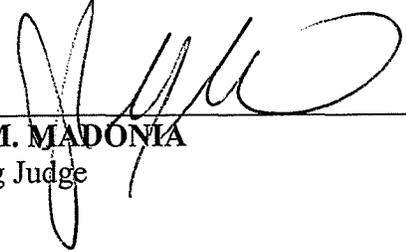
2. **Plaintiff claims Emergency Exception:** See “Trials While Governor’s Orders Suspend Eviction Enforcement” below.
- iii. **Defendant does not appear after proper service of sufficient Complaint:**
  1. **Plaintiff does not claim Emergency Exception:** The Court will note that defendant is in default and will take the motion for default judgment under advisement until the Governor’s orders suspending eviction enforcement expire.
  2. **Plaintiff claims Emergency Exception with supporting affidavit:** The Court will enter an Eviction Order for immediate enforcement.
  3. **Plaintiff claims Emergency Exception without supporting affidavit:** The Court will take the motion for entry of default judgment under advisement pending the filing of a supporting Emergency Exception Affidavit.

c. **Trials While Governor’s Orders Suspend Eviction Enforcement**

- i. **Evictions filed before March 27, 2020:** No trial will be scheduled unless plaintiff has filed an **Emergency Exception Affidavit** stating that the action falls within one of the Emergency Exceptions to the Governor’s orders.
- ii. **Evictions filed on or after March 27, 2020:** No trial will be scheduled unless Plaintiff has filed both:
  1. **CARES Act Affidavit:** A Supporting Affidavit pursuant to the Illinois Supreme Court’s Administrative Order stating whether the dwelling unit of which the plaintiff seeks possession is a “covered dwelling” within the meaning of the CARES Act; and
  2. **Emergency Exception Affidavit:** An affidavit stating that the action falls within one of the Emergency Exceptions to the Governor’s orders.
- iii. **Timing for eviction trials:** Any trials held in compliance with this Order shall commence on the next Tuesday following the first appearance held on Plaintiff’s complaint and shall be docketed in stages throughout the morning to avoid unnecessary crowd congestion at the eviction trial call.

- d. **Monetary Relief Requests May Proceed Unless Eviction Unresolved:** Requests for monetary relief within eviction actions may proceed as usual with consent and default judgments, but no trial will be scheduled on monetary relief alone if a request for eviction is unresolved.

ENTERED THIS 30<sup>th</sup> DAY OF June, 2020.

  
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**JOHN M. MADONIA**  
Presiding Judge