

FILED
JAN - 4 2021

Melissa Hurst
Circuit Clerk COLES COUNTY, ILLINOIS

**IN THE CIRCUIT COURT
OF THE FIFTH JUDICIAL CIRCUIT
CHARLESTON, COLES COUNTY, IL**

ADMINISTRATIVE ORDER NO. 2021-1

RE: 2021 COURT OPERATIONS

The Circuit Court for Coles County of the Fifth Judicial Circuit of Illinois adopts the following Administrative Order pertaining to Court Operations for the year 2021 during the continuing Coronavirus (COVID-19) Pandemic:

WHEREAS on March 9, 2020, the Governor of the State of Illinois declared a State of Emergency in response to COVID-19, and, on March 20, 2020 the Governor issued Executive Order # 8, ordering and directing all citizens of the State to remain at home or other place of residence unless performing essential functions; the terms and provisions of said Order were to be effective until April 7, 2020, unless otherwise extended by further order; since that date, the Governor has, each month, amended and extended the terms and provisions of said Executive Order and the State of Illinois has been in a state of emergency since the original declaration, necessitating temporary court imposed restrictions to minimize the impact of COVID-19 on the court system, while continuing to provide access to justice;

WHEREAS, on March 17, 2020, the Illinois Supreme Court entered an Order, *In Re: Illinois Courts Response to Covid-19 Emergency, MR. 30370*, directing all courts to establish and periodically update temporary procedures to minimize potential exposure to and the impact of the COVID-19 pandemic on judicial operations while continuing to provide access to justice, and, further directed that all non-essential matters and proceedings be continued or, if feasible, conduct remotely; and on March 20, 2020, entered an Order authorizing the continuance of all civil and criminal jury trials until further order of the Court, and suspending speedy trial terms in all criminal cases during said time period; and on May 20, 2020, entered an Order authorizing each Circuit to return to hearing court matters, whether in person or remotely, according to a schedule to be adopted for each county by the Chief Circuit Court Judge, and on that day also issued guidelines for resuming court operations; and said Order implicitly allows circuit courts to rescind, amend, or suspend terms and provisions of their reopening plans as dictated by local public health conditions, data and recommendations;

WHEREAS, on March 20, 2020 the Chief Circuit Judge entered an Administrative Order continuing all civil and criminal jury trials within the Fifth Judicial Circuit for sixty (60) days, and suspending speedy trial terms during said period; and on April 7, 2020, entered an Administrative Order continuing all civil and criminal jury trials within the Fifth Judicial Circuit

until further order of the court, and suspending speedy trial terms during said period; and on May 29, 2020, the Chief Circuit Judge entered **Administrative Order 2020-12** authorizing the resumption of civil and criminal jury trials within Coles County as of June 30, 2020. Said Order further provided that, in considering the guidelines adopted by the Illinois Supreme Court, and, in consultation with the local bar association, health departments, county officials, court staff, the judge presiding over a case was in the best position to determine the ability of the court to accommodate jury trials, taking into consideration facilities limitations, and the safety of the parties, jurors, court personnel, and, the public, and shall make every reasonable effort to follow all public health recommendations, including social distancing precautions.

WHEREAS, on March 17, 2020, pursuant to said authorities, the Presiding Judge of Coles County entered **Administrative Order 2020-2** directing that measures be taken in response to the pandemic, intending to balance health and safety concerns with the need to continue the essential court services to the citizens of Coles County; and on April 28, 2020 the Presiding Judge entered **Administrative Order 2020-7** supplementing Orders 2020-2 through 2020-6 by adopting superseding provisions, and then entered **Administrative Order 2020-8** on May 28, 2020 to address Resumption of Court Operations. All of these measures restricted access to the Coles County Courthouse, incorporated the use of video and teleconferencing to minimize personal contact, followed social distancing practices, all subject to the discretionary exceptions authorized by each judge presiding over a specific case;

WHEREAS, the Presiding Judge of Coles County has been granted temporary emergency administrative authority to enter orders affecting the general operations of the Coles County Courthouse pursuant to the authority granted to the Chief Circuit Judge under Supreme Court Rule 21(b);

WHEREAS Coles County Courts have operated since June 1, 2020, by providing essential court services, and, in doing so have continued to monitor all health guidelines to minimize risk and prevent spread of virus; while there have been isolated cases of COVID-19 that have effected court operations, the Coles County Courthouse has not experienced any outbreak, and, has been able to provide continual court services;

WHEREAS, in recent weeks Coles County has experienced a significant number of positive cases, an increase in positivity rate, an increase in hospitalizations as well as an increase in deaths all related to the COVID-19 pandemic. The national and local distribution of COVID-19 vaccines has been only recently begun, and, Coles County will not likely experience widespread vaccinations for several months;

WHEREAS, the Presiding Judge, acting on behalf of the Circuit Judges of Coles County, having considered the recommendations of local health agencies, deems that public health conditions

within the County permit the continuance of essential court operations in a controlled manner to provide essential services to the citizens of the County, accommodate access to justice, and attend to the court's administrative responsibilities, while minimizing in-person contact in an effort to protect the health and welfare of all Courthouse employees and patrons, and the community at large and impede the spread of COVID-19 virus, by adopting the following provisions:

1. **Effective Date:** This Order is effective January 4, 2021 and its precautionary measures shall remain in effect until amended or modified by further order of court. The provisions of Administrative Orders 2020-2 through 2020-8 are hereby supplemented, and, to the extent inconsistent herewith superseded.
2. **Court Operations:** It is anticipated that court-related offices will operate at full capacity, subject to the discretion of elected office-holders and department heads who shall determine how to best implement staffing (including the use of remote access and work) within their respective offices.

It is the intention of the Courts to respect public health recommendations regarding social distancing and to reduce the number of persons in the Courthouse at any given time in order to best protect the health of those who are required to be present. Maintaining social distancing is critical to the continual operation of court services, and the public's cooperation and patience is appreciated;

3. **General Restrictions Upon Entry into Courthouse:** Entry into the Courthouse maybe restricted or denied to any person who is determined to pose a health risk. Any person who has been exposed to a known positive COVID-19 case, who has been ordered to quarantine or isolate due to exposure or confirmation of a positive test, or who has flu-like symptoms including fever, cough or shortness of breath, **must not enter the Courthouse** and should contact the Circuit Clerk's office and advise of their inability to be present. Individuals with underlying or chronic health issues, or weakened immune systems should exercise caution in determining whether to enter the Courthouse. These individuals may be excused from Court appearances so long as they communicate their health issues or concerns to the Court.

The Court strongly encourages litigants/parties not to bring family or friends to court appearances in any case so personal contact can be minimized. The courtrooms remain open to the public to the extent required by law, but judges are authorized and will enforce a limit upon the number of persons who may be present and observe proceedings from the public gallery areas; visitors who are solely present to observe hearings and not to actively participate may be denied entry to the courtroom by Court Security. Court Security should advise the judiciary of

these circumstances so that the Court can take appropriate measures to attempt to accommodate a visitor's request to attend.

All persons present within the Courthouse are required to follow public health guidelines including proper hygiene and social distancing. ALL PERSONS present in the Courthouse are required to wear a mask or proper facial covering unless otherwise excused by the judiciary for good cause (see below).

4. **Health Screenings.** All persons entering the Courthouse are subject to questioning to determine compliance with general restrictions for entry, namely if they have any health issues or symptoms, or, if they are subject to any quarantine or isolation orders.

5. **Masks and Facial Coverings.** Anyone over the age of two years entering the public space of the Courthouse, and who is medically able to tolerate a face-covering shall wear a face-covering or mask at all times when in the Courthouse and unable to maintain a six-foot social distance. This provision applies to all persons entering the Courthouse for court-related persons.

All persons entering the Courthouse are expected to have their own face-covering. In certain circumstances court security may supply a mask to an individual who does not have one. However, due to limited supplies and related expenses, court security may deny entry to a person unless they obtain their own mask. This provision specifically applies to those individuals who court security determines regularly appear without a mask after having been instructed to obtain a mask but fail to do so.

6. **Courthouse Environment.** Maintenance crews shall conduct regular cleanings with an emphasis on disinfecting frequently touched surfaces such as railings, door knobs, counters, benches and areas proximate to the elevators.

7. **Courtroom Conduct.** All counsel, litigants and court attendees shall maintain a safe distance between themselves, and, judges or court security may otherwise direct them where to position themselves within the courtroom.

8. **Bond Court.** Bond Court hearings shall be conducted remotely through use of the court's video conferencing system Monday through Friday at 1p.m., and, Sunday/Holiday Court hearings at 8:30 am unless otherwise scheduled by the judge presiding over said hearing.

9. **Small Claims Court.** In order to further minimize in-person appearances and contact in the Courthouse, small claims court will be conducted pursuant to the **Attached Memorandum (#1)**. In addition, the Court may schedule in-person appearances on matters such as bench trials,

rules to show cause and citations, but will not hold regular “payment status” hearings. Citation and wage garnishment proceedings may proceed in conjunction with state and federal orders in place at the time.

10. **LM (Landlord/Tenant) and Civil Division.** In order to minimize in-person appearances the court will generally conduct hearings via Zoom and telephone conferencing. However, parties may request in-person hearings through court administration, and the presiding judge will decide on a case-by-case basis whether the hearing will be in-person. LM cases will be conducted consistent with the **Attached Memorandum #2**. Eviction proceedings will be conducted in conjunction with the then existing state and federal Orders addressing evictions. At this time Eviction proceedings must comply with the Illinois Supreme Court Order 30370 entered on December 22, 2020, and the rules and orders cited therein.

11. **High Volume Calls (Traffic and Misdemeanor Court).** The Courts will attempt to manage the size of high volume calls by staggering the start times of cases throughout the day, excusing litigant’s presence if no significant matters are occurring (i.e. re-scheduling), and permitting the waiver of personal appearances in cases, with counsel accepting notice on behalf of the client. Agreed orders/written pleas in traffic and certain misdemeanor cases are encouraged.

12. **Jury Trials.** In conjunction with guidance and Orders from the Illinois Supreme Court, Coles County courts will continue to endeavor to conduct jury trials when the court *in each case* deems it to be safe, and finds that the trial can be conducted safely. (**Attached Memorandum #3**)

When jury trials are conducted, the jury commissioner will provide a Notice to Prospective Jurors regarding the COVID-19 pandemic directing jurors how to respond to a jury summons.

The court, jury commissioner and Circuit Clerk shall implement precautionary measures to maintain public health social distancing recommendations in order to best protect the health and safety of prospective jurors, attorneys, litigants, personnel and patrons.

13. **Warrants and Body Attachments.** So as to limit law enforcement’s contact with the public and thus potential exposure, and, in order to reduce the risk of introducing exposure to the Coles County Safety and Detention Center, law enforcement is authorized to release any Defendant with a “Notice to Appear” upon the service of traffic warrants other than DUI offenses, of misdemeanor warrants other than domestic battery offenses, and civil bench warrants *unless* the judge has specifically noted on the face of the warrant or attachment that the Defendant should be taken into custody subject to the posting of bond. Law Enforcement is also authorized to exercise its discretion in the active service of said warrants and body attachments.

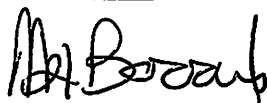
14. **Periodic Jail Sentences.** So as to protect the correctional officers and inmates, the Courts will stay the serving of periodic jail sentences including work release and “weekend” sentences unless determined to be safe and necessary as determined on a case-by-case basis.

15. **Adult and Juvenile Probation.** The Department of Court and Probation Services will operate at full capacity, subject to the Director to limit in-person contacts, suspend large group meetings, implement staffing (including the use of remote access) in the Department. Probationers should contact their pre-trial or probation officer via telephone and follow the officer’s instructions. Probationers should appear at the probation office only as directed by their officer.

16. **Marriages and Civil Unions.** The Court will perform marriage and civil union ceremonies in the Courthouse. Only the two individuals being married or joined in civil union are permitted to attend the ceremony. Additional people, including family and friends, will be denied entry into the Courthouse unless otherwise pre-approved by the judge.

17. **Judicial Rotations.** Effective January 1, 2021, the Coles County Judges will perform the bi-annual rotation of court calls. The coverage of respective divisions are set forth in the **Attached Memorandum #4**, subject to cases being specifically retained or assigned by the circuit judges.

Entered this 4th day of January 4, 2021

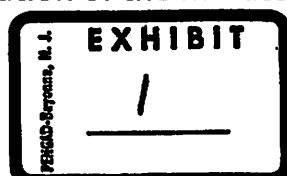


Mark E. Bovard, Presiding Judge

Notice Regarding Small Claims

Effective January 1, 2021 the following changes shall occur in Small Claims Proceedings. All previously set hearings shall remain set for the purposes they have been set. These changes are in large part due to the COVID 19 Pandemic but are permanent changes.

1. Small claims shall be filed using a 30-day summons. The summons shall set forth the information contained in paragraph 2 and 3 of this notice. A form summons is available in the Circuit Clerk's Office.
2. Defendants will file their Entry of Appearance along with their fee or obtain a waiver of fee.
3. After 30 days if the defendant has not filed his entry the Plaintiff may file a Motion for Default Judgment.
4. Small Claims Court shall occur one Thursday of each month (this will generally be the third Thursday). Initial appearance or Motion for default Judgment shall be set by the Plaintiff at 9:00 am on this Thursday. The hearing date shall be arranged through the Circuit Clerk (217) 348-0516. These hearings shall be held via conference call (Call in number: (217)348-9450; Access #: 0515896). The call in information will appear on the Notice of Hearing. The party setting the hearing shall notify the other party using a Notice of Hearing similar to that attached to this Notice. From this hearing generally either a Judgment will be entered or a trial date will be set.
5. Small Claims Bench Trials shall occur on the Thursday of each month set for Small Claims commencing at 1:00pm (the afternoon session). Trials shall be in person unless otherwise ordered by the court.
6. **There will no longer be general Proof of Payment dates.** If a Payment order is violated than the Plaintiff must file an appropriate pleading. Citations to Discover Assets shall be set in the afternoon session and shall be heard and concluded on the date of hearing unless good cause is shown for the continuance. Citations and Wage Deductions will begin upon the termination of the moratorium. Citation hearings shall be in



person unless otherwise ordered by the court. No Citation will be continued as a vehicle to monitor payment.

- 7. Petitions for Rule to Show Cause and other motions not involving evidence shall be heard via conference call on the Small Claims Thursday each month commencing at 10:00am. The same Notice procedure set forth in paragraph 4 shall apply.**
- 8. All hearings shall be set by contacting the Circuit Clerks Office (217) 348-0516.**

Judge Bower

Notice to Defendant

Take Notice that you must Enter your Appearance in this cause and pay any Appearance Fee to the Circuit Clerk of Coles County not later than 30 days after Service of Summons. In the event you fail to do so a DEFAULT JUDGMENT may be entered against you. Entry of Appearance Forms are available in the Coles County Circuit Clerks Office.

In the event you believe you qualify for a Waiver of Court Fees you must file an Application for Waiver of Fees and your Entry of Appearance within 30 days of Service. Application for Waiver of Fees is available in the Coles County Circuit Clerk's Office.

Upon the filing of an Entry of Appearance and the Payment of the Appearance Fee or Entry of an Order Waiving Fees either party may request this matter set for a First Appearance. The Court date must be arranged through the Circuit Clerk of Coles County, (217) 348-0516 and Notice of Hearing must be sent. This Notice will be in the form available through the Circuit Clerk's Office. The Initial Appearance will be held through Conference Call (Call in #: (217) 348-9450; access # 0515896).

This Notice shall be attached to ALL Small Claims Summons

LM Procedure Effective June 1, 2020

1. All summonses will require the written appearance of the defendant by a date/time as indicated on the summons, with the Summons to be issued for a date returnable that is not less than 21 days or more than 40 days after issuance. Summonses shall not require In-court first appearances and must have an entry of appearance form approved by the court and a copy of this explanatory form attached. All Defendants shall make their appearances in the case by filing a written entry of appearance on or before the return date stated in the summons, admitting or denying the claim and paying the required filing fee (or obtaining a fee waiver). Failure to comply will result in a default judgment in favor of the Plaintiff and the Plaintiff may submit a proposed default judgment order for entry immediately after the stated appearance date.

2. Defendants are required to provide a current working telephone number and e-mail address (if available) on the entry of appearance form so that future hearings may be scheduled and conducted remotely (by telephone, Zoom, Skype or similar electronic means). If a Defendant does not have the means to appear and participate remotely, the parties shall contact the Coles County Court Administrator at 217-348-0538 to schedule an in-court appearance.

3. While all court proceedings shall remain open to the public, in an effort to curb the spread of Covid-19, only the named parties to the lawsuit, their legal representatives and necessary witnesses should appear in court at any hearing or trial unless otherwise approved by the trial judge. Both parties are ordered to provide the names of all witnesses to the court in writing at least ten days prior to trial unless otherwise ordered by the court. This will be done by filing a document entitled "List of Witnesses" in the Circuit Clerk's Office.

4. All supplementary proceedings (i.e. Petitions for Rules to Show Cause, Citations to Discover Assets, etc.) shall be conducted remotely unless otherwise ordered by the court. The party requesting the hearing shall coordinate with the opposing party and obtain a hearing date from the Court Administrator and send written notice to the opposing party clearly setting forth the date, time and manner in which the parties are to appear remotely (either by telephone, Zoom, Skype or other electronic means). If a party believes that the matter cannot be addressed remotely and that there is a need for an in-person hearing, that party should contact the Coles County Court Administrator at 217-348-0538 to request an in-court setting.



**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
CHARLESTON, COLES COUNTY, IL**

COURT'S MEMORANDUM RE: 2021 JURY TRIALS

WHEREAS, the Illinois Supreme Court has issued a series of orders governing court functions during the COVID-19 pandemic, including Supreme Court Order M.R. 30370. An essential aspect of these court functions are civil and criminal jury trials, and, thus Coles County implements this Memorandum on jury trials for the year 2021.

WHEREAS on March 9, 2020, the Governor of the State of Illinois declared a State of Emergency in response to COVID-19, and, on March 20, 2020 the Governor issued Executive Order # 8, ordering and directing all citizens of the State to remain at home or other place of residence unless performing essential functions; the terms and provisions of said Order were to be effective until April 7, 2020, unless otherwise extended by further order; since that date, the Governor has, each month, amended and extended the terms and provisions of said Executive Order and the State of Illinois has been in a state of emergency since the original declaration, necessitating temporary court imposed restrictions to minimize the impact of COVID-19 on the court system, while continuing to provide access to justice;

WHEREAS, on March 17, 2020, the Illinois Supreme Court entered an Order, *In Re: Illinois Courts Response to Covid-19 Emergency, MR. 30370*, directing all courts to establish and periodically update temporary procedures to minimize potential exposure to and the impact of the COVID-19 pandemic on judicial operations while continuing to provide access to justice, and, further directed that all non-essential matters and proceedings be continued or, if feasible, conduct remotely; and on March 20, 2020, entered an Order authorizing the continuance of all civil and criminal jury trials until further order of the Court, and suspending speedy trial terms in all criminal cases during said time period; and on May 20, 2020, entered an Order authorizing each Circuit to return to hearing court matters, whether in person or remotely, according to a schedule to be adopted for each county by the Chief Circuit Court Judge, and on that day also issued guidelines for resuming court operations; said Order implicitly allows circuit courts to rescind, amend, or suspend terms and provisions of their reopening plans as dictated by local public health conditions, data and recommendations;

WHEREAS, the Supreme Court Order entered May 20, 2020, authorized the Chief Judge's of each circuit to continue trials until further order of the Supreme Court, and, any continuances occasioned by said Order are deemed to serve the ends of justice and outweigh the best interests of the public and defendants in a speedy trial; and therefore, such continuances are excluded from speedy trial computations contained in 725 ILCS 5/103-5, and, statutory time restrictions in said section are tolled until further order; and such authority also applies when a trial is delayed



where the court determines proper distancing and facilities limitations prevent a fair trial proceeding safely and the judge in the case finds that such limitations necessitated the delay. Pursuant to said Order the judge, in determining whether matters may be safely heard, should consider the following factors: deadlines which apply to a case or class of cases, the length of time any applicable deadline has been suspended by order of the Supreme Court or the Circuit Court, applicable information from public health authorities, limitations in court facilities or staffing amongst other factors.

WHEREAS, on March 20, 2020 the Chief Circuit Judge of the Fifth Judicial Circuit entered an Administrative Order continuing all civil and criminal jury trials within the Fifth Judicial Circuit for sixty (60) days, and suspending speedy trial terms during said period; and on April 7, 2020, entered an Administrative Order continuing all civil and criminal jury trials within the Fifth Judicial Circuit until further order of the court, and suspending speedy trial terms during said period; furthermore, the Chief Judge of the Fifth Judicial Circuit entered Administrative Order 2020-12 on May 29, 2020, citing the Supreme Court Order of May 20, 2020, and authorized the judge presiding over a division or particular case to determine the ability of the court to accommodate jury trials after considering those factors enumerated by the Supreme Court in its Order;

WHEREAS, the presiding judge of Coles County entered Administrative Order 2020-8 on May 28, 2020 RE: Resumption of Court Operations.

WHEREAS, since June 1, 2020, Coles County Courts resumed providing essential services and court functions, balancing the rights of access to justice with public health and safety;


WHEREAS, the COVID-19 pandemic remains prominent throughout Coles County and all of Illinois. Coles County continues to experience increases in the number of positive cases, the positivity rate, as well as related hospitalizations and deaths;

WHEREAS, the Coles County Courthouse has had, and, continues to have limited capacity to conduct daily court proceedings, and, specifically to accommodate groups of prospective jurors who are summoned for jury duty on the same date while simultaneously maintaining compliance with all mandated social distancing measures that are a necessary part of the current functionality of the Courthouse;

WHEREAS the Circuit Judges of Coles County shall, on a case by case basis, consider the parties' rights to a (speedy) trial in light of the then relevant circumstances, and, whether the Courts can provide proper distancing and facilities within the Courthouse to proceed safely, taking into consideration a number of factors, including but not limited to the following :

- A. The gathering of a venire panel in courtrooms and jury rooms;
- B. The logistics of empaneling a jury;
- C. The daily movement of jurors in and out of the Courthouse;
- D. The number of witnesses, lawyers and court personnel required to hold a trial;
- E. Transporting defendants and witnesses to and from correctional facilities;
- F. The allowance of citizens, including family members of the defendant and victim(s) to observe the trial;
- G. The potential of a juror, material witness or court personnel being unavailable for extended period of time due to isolation or quarantining;
- H. The potential of exposing a large number of persons, namely citizen jurors, to the virus;
- I. The impact and effect a jury trial would have upon other court operations and the court's ability to staff and hold other proceedings contemporaneously with a jury trial;

THEREFORE in conjunction with the Illinois Supreme Court Order of May 20, 2020, and, the Fifth Judicial Circuit Administrative Order 2020-12, Coles County will continue to conduct jury trials at the discretion of the trial judge after full consideration of all relevant factors on a case-by-case basis. In the event a judge finds that continuance of a jury trial is necessitated by the then existing circumstances, the judge shall provide a full record of the reasoning supporting said decision. Consequently, any such continuances are excluded from speedy trial computations contained in 725 ILCS 5/103-5, and statutory time restrictions in said section are tolled until further order. Such authority also applies when a trial is delayed where the court determines proper distancing and facilities limitations prevent a fair trial proceeding safely and the judge in the case finds that such limitations necessitated the delay.



Mark E. Bovard, Presiding Judge

1-4-2021
Date

MEMO

TO: All judges and all court support staff

FROM: Judge Bovard

DATE: October 22, 2020

SUBJECT: Judges' Rotation Schedule

Effective January 1, 2021, the case assignments are as follows:

JUDGE GLENN: Miscellaneous, including CM (except proof of progress cases), CF proof of payment cases, MR (SVP cases), F (including AG child support cases), OP (where parties have not been married);

JUDGE SHICK: CF (except proof of payment cases), CM proof of progress cases, MR (forfeiture cases);

JUDGE O'BRIEN: D, AD, OP (where parties have been married), Drug Court

JUDGE BOVARD: L, LM, CH, MR (except SVP and forfeiture cases), TX, P, Pre-2018 TR/OT/OT CASES (CONFLICTS)

JUDGE BOWER: TR, DT, CL, CV, OV, SC, Weddings

JUDGE BRADEN: J, JA, JD (Fridays)

