

STATE OF ILLINOIS
CIRCUIT COURT
SEVENTEENTH JUDICIAL CIRCUIT

EUGENE G. DOHERTY
Chief Judge



WINNEBAGO COUNTY COURTHOUSE
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July 28, 2021

For Immediate Release

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PRESS RELEASE

17th Judicial Circuit Court To
Relax Social Distancing Requirements

ROCKFORD, IL – As a result of authority granted by the Illinois Supreme Court, the 17th Judicial Circuit will take a different approach to social distancing in Boone and Winnebago Counties starting August 2, 2021.

“We are very much aware of the threat posed by the Delta variant to unvaccinated persons, but CDC guidelines do not require social distancing for those who are vaccinated,” said Eugene Doherty, Chief Judge of the 17th Circuit. “We also know that, with widespread availability of the vaccine, people have had the opportunity to take the most important step toward self-protection -- vaccination.” Consequently, Chief Judge Doherty said, the Circuit will no longer lay out its jury trial courtrooms on the assumption that all jurors must maintain six feet of separation during trials. “Jurors who have, for their own reasons, made the decision not to be vaccinated and who wish to be socially distant from other jurors will be encouraged to let the court know of that request,” Doherty said.

Adhering to presumed six-foot distancing for all jurors has required the 17th Circuit to operate at reduced jury trial capacity. In Winnebago County, for example, only two criminal courtrooms are capable of permitting such distancing for all jurors, instead of the usual eight courtrooms that might hear criminal jury trials. “Throughout the State, we have returned to 100% capacity for a variety of different public activities and buildings,” Doherty said. “We would like to think that affording accused defendants their constitutional right to a jury trial is at least as important as many of the entertainment venues which have now returned to full capacity.”

Current CDC data shows that approximately two-thirds of adults in the 17th Circuit are partially vaccinated, and more than half are fully vaccinated. Doherty encourages all unvaccinated 17th Circuit residents to assess whether now is the time for them to consider getting the vaccine.

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STATE OF ILLINOIS
CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO
COUNTY OF BOONE

AMENDMENT TO GENERAL ORDER 1.03

IT IS HEREBY ORDERED THAT THE ABOVE ENTITLED GENERAL ORDER IS AMENDED TO READ AS FOLLOWS:

1.03 Procedures for Contagious Conditions

For purposes of this Order, “fully vaccinated” means being two weeks past the final vaccine injection. The Court enacts the following procedures with respect to minimizing the spread of contagious conditions within the Courthouse:

1. Pursuant to the Order of the Illinois Supreme Court in M.R. 30370, no individual may enter any courthouse or court facility if they:
 - a. Have new flu-like symptoms including fever, cough, or shortness of breath (excluding such symptoms caused by chronic conditions);
 - b. Currently have been directed to quarantine or isolate at home by any medical provider or public health official; or
 - c. Reside or have regular close contact with a person currently subject to a quarantine or isolation direction issued by a medical provider or public health official and are not themselves fully vaccinated.

If unable to attend a court hearing due to any of the above restrictions, individuals are strongly encouraged to call the appropriate office of the Circuit Clerk to report your situation and for instructions on how to proceed:

Winnebago County Circuit Clerk 815-319-4500

Boone County Circuit Clerk 815-544-0371


These restrictions shall not apply to any individual ~~summonsed~~ **summoned** to appear in court as a named respondent in a petition filed under Section 2 of the Department of Public Health Act, 20 ILCS 2305/2 (see procedural requirements in section 4 below).

2. All court staff, attorneys and members of the public must wear a face covering or mask while within any court facility. Failure to wear a mask may lead to removal from the building. These provisions do not apply to any individual under age 2, incapacitated, having trouble breathing, or unable to remove the mask without assistance, or fully vaccinated.

The Court will not routinely screen persons in the courthouse to determine their vaccination status, but it reserves the right to inquire as to any person's vaccination status and/or to require proof thereof. An attorney's election not to wear a mask will be interpreted as a representation to the Court under Supreme Court Rule 3.3 that the attorney has been fully vaccinated.

Persons required to speak in the course of a court proceeding may be directed to remove a face covering or mask when speaking. Judges may choose not to wear a face covering or mask in court if they are able to maintain six-foot separation.

3. Within all court facilities, all individuals, including judges, court staff, attorneys, and jurors, **shall should attempt to** maintain at least six-foot social distancing from other individuals unless fully vaccinated. ~~All court staff shall monitor and proactively enforce compliance with social distancing requirements.~~
4. If a petition is filed seeking a court order under Section 2 of the Department of Public Health Act, 20 ILCS 2305/2, the following procedures are required:
 - a. Such a hearing may be held remotely, either off courthouse premises or via telephonic or video hearing pursuant to Supreme Court Rule 185.
 - b. For a hearing held on courthouse premises, the respondent in such a matter may be required to wear a mask or other protective device or clothing as ordered by the court, and shall be so advised in the notice of hearing or summons issued by the attorney filing the petition.
 - c. Because proceedings under 20 ILCS 2305/2 deal with sensitive matters of personal health, the Court authorizes the filing of such cases under the respondent's pseudonym (e.g., "John Doe,") rather than his or her full name.

ENTER: 
Eugene G. Doherty, Chief Judge

DATED: 7/28/21

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF BOONE
COUNTY OF WINNEBAGO

ADMINISTRATIVE ORDER 2021-12
TEMPORARY ORDER - COVID-19 PROCEDURE

This order supersedes Administrative Order 2021-10 entered on May 27, 2021.

Whereas the Circuit Court, pursuant to the Supreme Court's order of March 17, 2020, in M.R. 30370, previously reduced its operations to essential activities;

Whereas, the Supreme Court's order of May 20, 2020, in M.R. 30370, allows circuits to adopt their own plans for a resumption of court activity, and this Circuit did so effective June 1, 2020, as provided in Administrative Order 2020-21 entered on May 21, 2020;

Whereas, the Supreme Court's order of May 20, 2020, in M.R. 30370, implicitly allows circuits to step back from their reopening plans as dictated by local conditions;

Whereas, the Supreme Court's order of May 27, 2021, in M.R. 30370, allows circuits to operate following masking policies consistent with recent guidance from the Center for Disease Control (CDC); and

Whereas, the Supreme Court's order of June 30, 2021, in M.R. 30370, allows circuits to relax or eliminate social distancing requirements.

It is therefore ORDERED that, effective immediately, the following procedures are in effect in the 17th Judicial Circuit:

1. **Masks / Face Coverings.** Pursuant to General Order 1.03, all persons, including attorneys, must wear a mask or face covering in public areas of the courthouse. This provision does not apply to any person who is: under age 2; incapacitated; having trouble breathing; unable to remove the mask or face covering without assistance; or fully vaccinated. Persons required to speak in the course of a court proceeding may be directed to remove a mask or face covering when speaking if necessary to make a record.

In this context, "fully vaccinated" means being two weeks past the final vaccine injection. The Court will not routinely screen persons in the courthouse to determine their vaccination status, but it reserves the right to inquire as to any person's vaccination status and/or to require proof thereof. An attorney's election not to wear a mask will be interpreted as a representation to the Court under Supreme Court Rule 3.3 that the attorney has been fully vaccinated.

2. **Reduced Call Size.** In order to reduce the number of people in the building(s), the Court will, to the extent possible, reduce the number of cases slotted for each court call. This will in many instances require staggered court times. Attorneys are reminded that it is essential that they appear at the designated time in order to make this process work.

3. **Represented Parties Excused.** Unless ordered by the judge or directed by their attorney, parties in civil and family cases are strongly encouraged not to attend routine court hearings. Attorneys should advise their clients not to attend court unless their attendance is strictly necessary given the nature of the hearing at issue. In criminal cases, judges should discuss with the attorneys whether the defendant's presence might be excused.
4. **Additional Persons Discouraged.** Litigants are strongly discouraged from bringing any other person with them to the courthouse.
5. **Virtual Proceedings.** The Court will operate with increased reliance on virtual proceedings and hearings pursuant to Supreme Court Rules 45 and 241. Attorneys and parties who are offered the opportunity to appear virtually are strongly encouraged to do so, especially if unvaccinated. Those participating in a virtual hearing should plan to timely appear as scheduled and should become familiar with the evolving protocols at <https://tinyurl.com/virtualcourt17>.

While encouraging remote attendance when possible, the Circuit is capable in most courtrooms of a hybrid/blended mode of hearing. In other words, while remote attendance is still encouraged, litigants or lawyers may choose to attend court either remotely or in person. Note that judges may specify in individual cases or settings that proceedings will be conducted only in person, or they may require a particular party or attorney to attend a proceeding in person.

6. **Criminal Jury Trials.** Pursuant to the Supreme Court's order, in criminal trials the period of delay attributable due to facilities limitations to safely try cases shall not be attributable to either the State or the defendant for purpose of 725 ILCS 5/103-5; by its terms, this provision expires October 1, 2021.

Criminal jury trials shall be subject to the following terms:

- a. Jurors will be asked whether they wish to be seated in a manner which ensures a degree of social distancing; such requests will be granted if the court is able to do so.
 - b. Unless they voluntarily disclose that they are fully vaccinated, jurors will wear masks or face coverings, except when answering questions during voir dire.
 - c. Unless they voluntarily disclose that they are fully vaccinated, attorneys will wear masks or face coverings, except when addressing the court/jury.
7. **Civil Jury Trials.** Civil jury trials shall be subject to the following terms:
 - a. Jurors will be asked whether they wish to be seated in a manner which ensures a degree of social distancing; such requests will be granted if the court is able to do so.
 - b. Unless they voluntarily disclose that they are fully vaccinated, jurors will wear masks or face coverings, except when answering questions during voir dire.
 - c. Unless they voluntarily disclose that they are fully vaccinated, attorneys will wear masks or face coverings, except when addressing the court/jury.

- d. Throughout the end of 2021, Courtrooms 412 and 426 will have one jury week per month. Jury weeks in those courtrooms will begin on Wednesday (instead of Monday) to avoid congestion in the jury assembly room on days when there are jurors summoned for criminal trials. Juries will be comprised of up to 12 jurors, with a maximum of one alternate in addition. Stipulations to six-person juries are encouraged.
- e. Courtroom 209's jury weeks will remain the same, but jury trials in that courtroom will be limited to six person juries to permit appropriate social distancing given the size of that courtroom. Cases with a 12-person jury demand may be reassigned for trial. Civil jury trials in 209 will be on a backup basis to criminal trials scheduled to commence the same day. If an insufficient number of jurors are available after the criminal juries are seated, the trial in 209 will be continued.

8. **Individual Judge/Division Order.** Attorneys and parties should be aware that individual judges and/or divisions may issue their own guidance on practices in certain courtrooms.

ENTER:  18
Eugene G. Doherty, Chief Judge

DATED: 7/28/21