

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – PROBATE DIVISION

)
)
) No. 2020 P 08
)
)

GENERAL ADMINISTRATIVE ORDER
CONCERNING RESUMING REGULAR CALL VIA REMOTE ACCESS

This Order is entered in response to the COVID-19 pandemic and in conjunction with General Administrative Order 2020-01 (amended May 28, 2020) entered by Chief Judge Timothy C. Evans.

IT IS HEREBY ORDERED THAT:

1. Remote Hearings

a. During the time the Probate Division Judges are working remotely, the following procedures will remain in effect. This General Administrative Order supersedes General Administrative Orders 2020 P 02, 2020 P 03, 2020 P 04, and 2020 P 05. General Administrative 2020 P 06 and 2020 P 07 remain in effect.

b. Beginning June 29, 2020 and until further Order of this Court, the Probate Division will hear regular court calls using audio and video conferences. All Probate matters will proceed as scheduled on the regular Calendar via remote access. Cases will not be heard in the Daley Center. **Do not email any documents to a Judge until you obtain a court date from the Clerk's Office.**

c. Parties and other persons seeking to appear on scheduled matters shall appear using Zoom Video Conferencing (Zoom) or if a participant does not have access to the internet, he/she shall be allowed to participate by telephone conference call. Instructions for accessing each individual Calendar are posted on the Court's website at <http://www.cookcountycourt.org/ABOUTTHECOURT/CountyDepartment/ProbateDivision.aspx> under the Covid-19 emergency procedures tab. If you do not have adequate access to the internet, you may call (312) 603-7545 or (312) 603-7546 for instructions.

d. In the event of a system failure which render continuing the call impractical, an attorney from the cases that were not yet heard that day will be contacted and given a new date.

2. Guardianship Procedures for Matters on the Scheduled Call

a. The petitioning party shall submit proposed orders and any courtesy copies for each case appearing on the call **no later than 2 business days but not more than 5 business days prior to the assigned court date**. Submissions shall be emailed directly to the Judge assigned to the Calendar.

i. See paragraph 4 of this Order for further direction regarding courtesy copies and Proposed or Agreed Orders.

b. **Agreed Orders**

i. In an effort to expedite the call, Guardianship Judges may approve Agreed Orders. If the Agreed Order is approved, the parties need not appear. A copy of the approved Agreed Order will be sent to the submitting party by the clerk, that party shall notify all parties scheduled to appear that the Agreed Order was approved and appearance on the scheduled date is excused. The Court will **not** consider Agreed Orders for appointment of an adult guardian/adjudication, restoration or any other matters for which appearance is deemed necessary. Attorneys are encouraged to work together to reach an agreement and submit a proposed agreed order in anticipation of an upcoming court appearance.

ii. All Agreed Orders shall bear the heading: "AGREED ORDER SUBMITTED BY ELECTRONIC MEANS." All Agreed Orders shall contain, when feasible, the electronic signature of all counsels of record and self-represented litigants in the cause. If not feasible, a statement that all parties and persons entitled to notice have received and affirmatively agreed to the Order shall be submitted.

c. **Emergency Petitions**

i. Petitions for the Appointment of Temporary Guardian and other emergency motions must be E-Filed in accordance with Ill. S. Ct. R. 9 (eff. Jan. 1, 2020) and will be heard as add-ons. Upon presentment of a Petition for the Appointment of a Temporary Guardian, the Court may appoint Guardian ad litem and continue the matter for a short date.

ii. A courtesy copy of the petition or motion that shall include a factual basis stating the nature of the emergency and all supporting documents, including but not limited to, the bond, and Proposed Order shall be submitted to the Court via email no later than 10:00 AM on the business day preceding presentment.

iii. If, upon presentment in Court, it is determined that the matter presented is not a valid emergency, the movant will be directed to place the matter on the Court's regular motion call.

d. **Reports of Physician**

i. During the circumstances of COVID-19, the Probate Division has found good cause to address the issue surrounding presentation of an original medical report (i.e. CCP-211). The Guardianship Courts will consider adjudication of disability and appointment of a guardian using a copy of the medical report (CCP-211) if the following conditions are met:

1. There is no objection to the adjudication;
2. The attorney on the record affirms possession of the original and where the Court is satisfied with the evidence; and
3. The attorney affirmatively acknowledges on the record that, upon the opening of the Courts, the original medical report will be submitted directly to the Court and placed under seal.

3. Decedent Procedures for Matters on the Scheduled Call

a. The petitioning party shall submit proposed orders and any courtesy copies for each case appearing on the call no later than 2 business days but not more than 5 business days prior to the assigned court date. Submissions shall be emailed directly to the Judge assigned to the Calendar.

i. See paragraph 4 of this Order for further direction regarding courtesy copies and Proposed or Agreed Orders.

b. Agreed Orders and Scheduling Orders

i. In an effort to expedite the call, Decedents judges will consider Agreed Orders. If the Agreed Order is approved, the parties need not appear. A copy of the approved agreed order will be sent to the submitting party, that party shall notify all parties scheduled to appear that the Agreed Order was approved and appearance on the scheduled date is excused. The Court will not accept as "agreed" orders any order that changes a hearing date on fully briefed motions or trial dates or any other matters for which appearance is deemed necessary. **Attorneys are encouraged to work together to reach an agreement and submit a proposed agreed order in anticipation of an upcoming court appearance.**

ii. Each attorney shall submit a proposed order and any material required for consideration on each case that appears on the call **no later than 2 business days but not more than 5 days prior to the Circuit Court Clerk's scheduled date**. Submissions shall be emailed directly to the judge assigned to the calendar. Attorneys shall obtain a scheduled court date prior to any submissions.

iii. All agreed and scheduling Orders shall bear the heading: "AGREED ORDER SUBMITTED BY ELECTRONIC MEANS". All Agreed Orders shall contain, when feasible, the electronic signature of all counsels of record and self-represented litigants in the cause. If not feasible, a statement that all parties and

persons entitled to notice have received and affirmatively agreed to the order shall be submitted by the presenting attorney.

c. **Emergency Petitions**

i. Matters determined to require emergency scheduling will be heard as add-ons in decedent courtrooms. Litigants are required to E-File all emergency motions in accordance with Ill. S. Ct. R. 9 (eff. Jan. 1, 2020).

ii. A courtesy copy of the petition or motion that shall include a factual basis stating the nature of the emergency and all supporting documents, including but not limited to, the bond, and proposed orders shall be submitted to the Court via email no later than 10:00 AM on the business day preceding presentment. The courtesy copies shall be delivered via email to the Judge assigned to the Calendar.

iii. If, upon presentment in Court, it is determined that the matter presented is not a valid emergency, the movant will be directed to place the matter on the Court's regular motion call.

d. **Petitions to Open and Close**

i. Petitions for opening estates shall include the following documents:

1. Petition for Letters including an accurate Exhibit A;
2. Copy of Will if applicable;
3. Affidavit of Heirship;
4. Notice or Waivers of notice from all heirs equally entitled to nominate or with preference to nominate with a known last address for intestate estates.
5. Fully executed and notarized Oath of office and Bond. (not E-filed) Estate counsel shall bring the embossed bond to the clerk of the court within 3 business days at the next scheduled date after court reopens.
6. Proposed order Declaring Heirship (not e-filed);
7. Proposed order admitting Will and Appointing Representative of Decedents Estate (not E-filed); and
8. Designation of Resident Agent shall be indicated if the proposed administrator resides out of state.

ii. Motions to close estates shall include the following documents:

1. Copy of the Petition for Letters including exhibit A;
2. Copy of the previously admitted Last Will, if any, and the date of admission;

3. Copy of previously entered Order Declaring Heirship and any amended orders of heirship;
4. Copy of previously entered Order Appointing Representative or Successor Representative;
5. Copy of the fourteen-day certificate of notice to heirs and legatees (E-filed) or waivers of notice (E-filed);
6. Copies of receipts and approval on closing of decedent's estate in independent administration from all heirs/legatees or proof of 42 day notice (E-filed).
7. Copy of Proof of Publication (E-filed);
8. Copy of Final Report of Independent Representative (E-Filed); and
9. Proposed Order of Discharge.

4. Courtesy Copies and Proposed Orders

a. All courtesy copies and Proposed Orders shall be emailed to the individual Calendar Judges in one email per case **no more than 5 and no less than 2 days in advance of the assigned court date**. Multiple emails regarding the same case will not be accepted.

b. Courtesy copies exceeding 25 pages must be emailed as instructed and delivered to the Daley Center at least seven (7) days in advance of the hearing unless otherwise allowed by the Judge in his/her individual Standing Order. In the email, the party shall notify the Judge that courtesy copies were sent to the Daley Center, provide the delivery date, the method of delivery and the tracking number for the package if applicable.

- i. The postage shall be labeled as follows:

Daley Center
Probate Division, Calendar ##
ATTN: Judge [First name, Last name]
50 W. Washington St., Room 18##
Chicago, IL 60602

c. The subject line of the email to the individual Calendar Judge shall include the date of the hearing followed by the case name and case number (e.g. June 15, 2020: Estate of Doe, 20 P 0000).

d. All courtesy copies and Proposed or Agreed Orders shall be emailed in PDF format. All Proposed or Agreed Orders shall contain a valid email address of a person who can receive and distribute the stamped Order. Your failure to provide an email address for receipt of the Order will result in a delay.

e. Parties shall not send a group of documents as one PDF. Specifically, proposed orders sent via email shall be a separate document from the others.

f. Courtesy copies are not to be sent to any other Court personnel unless otherwise directed to do so by the individual Calendar Judge.

g. Courtesy copies shall be emailed as follows:

Calendar 1: Judge Quinn, carolyn.quinn@cookcountyil.gov (also see Calendar 1 Standing Order for additional information)

Calendar 2: Judge Gallagher, carolyn.gallagher@cookcountyil.gov

Calendar 7: Judge Malone, daniel.malone@cookcountyil.gov

Calendar 8: Judge Delgado, kent.delgado@cookcountyil.gov

Calendar 9: Judge Miller, stephanie.miller@cookcountyil.gov

Calendar 10: Judge MacCarthy, aicha.maccarthy@cookcountyil.gov

Calendar 11: Judge McGuire, terrence.mcguire@cookcountyil.gov

Calendar 12: Judge Outlaw, jesse.outlaw@cookcountyil.gov

Calendar 13: Judge Degan, daniel.degnan@cookcountyil.gov

Calendar 15: Judge Boliker, shauna.boliker@cookcountyil.gov

Calendar 16: Judge Kennedy-Sullivan, susan.kennedy-sullivan@cookcountyil.gov

Calendar 25: Judge Murphy, james.murphy2@cookcountyil.gov

5. Notice to Parties

a. Notice must be given in accordance with the Illinois Supreme and Circuit Court Rules and the Probate Act to all parties and any other person entitled thereto.

b. A copy of the Instructions for Probate Division Virtual Hearings shall be included in all Notices.

c. All notices shall include the following language:

On _____ at ___:___ AM/PM, or as soon thereafter as counsel may be heard, I shall appear before Judge _____ by Zoom video-conference platform, and present the attached motion.

If you do not have access to the internet, you may call (312) 603-7545 or (312) 603-7546 for information.

6. Conduct During the Zoom Hearing

a. The Instructions for the Probate Division's Virtual Hearings are posted at <http://www.cookcountycourt.org/ABOUTTHECOURT/CountyDepartment/ProbateDivision.aspx>. The Instructions include directions on course of conduct during the hearing and are adopted in full into this General Order by reference and are otherwise fully enforceable by the Court as if they were enumerated in this General Order.

7. Receiving Stamped Orders

a. Following the hearing, the Judge's signed Order will be forwarded to the Clerk of the Court. A stamped copy of the Order will be sent to the attorney's email address listed on the Order by the Clerk of the Court. For this reason, all Orders shall contain an email address.

b. Due to the unique circumstances of the pandemic, it may take longer than expected to receive a stamped Order. If you do not receive the Order after two (2) business days, contact the Court Clerk Manager Nolan Shaw (nrshaw@cookcountycourt.com or (312) 603-3221), the Assistant Chief Deputy Clerk Talitha Miller (tzmiller@cookcountycourt.com or (312) 603-2486), and the Chief Deputy Clerk Best Anaele (beanaele@cookcountycourt.com or (312) 603-5694). Additionally, you may email probatedivservices@cookcountycourt.com.

c. The party who receives the stamped Order from the Clerk's Office shall email a copy of the Order to all counsels of record, self-represented litigants and any other person entitled to notice as additional recipients on the email within 48 hours of receipt thereof.

8. Questions or Concerns

a. This Order shall be published in the Chicago Daily Law Bulletin and at <http://www.cookcountycourt.org/ABOUTTHECOURT/CountyDepartment/ProbateDivision.aspx> to inform litigants and attorneys about these procedures. If attorneys and self-represented litigants do not have access to the Internet or have questions regarding the Probate Division or this General Order, please contact the administrative assistant at (312) 603-7545 or (312) 603-7546.

Enter:  2020

Daniel B. Malone
Acting Presiding Judge
Probate Division

DATED: June 23, 2020