

STATE OF ILLINOIS )  
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NINETEENTH JUDICIAL CIRCUIT )

ADMINISTRATIVE ORDER 21-16

NINETEENTH JUDICIAL CIRCUIT  
CIRCUIT COURT OF LAKE COUNTY

**PROCEDURES FOR PROBATE DIVISION CASES**

Consistent with the Order of the Illinois Supreme Court in M.R. 30370, dated March 17, 2020, which was adopted in response to the COVID-19 outbreak and the emergencies declared by the State and Federal governments, and Administrative Order 21-11, and in order to protect the health and safety of the general public, judges and court employees, and pursuant to Illinois Supreme Court Rule 21(b) and the Court’s inherent authority;

IT IS HEREBY ORDERED that, Administrative Orders 20-21 and 20-28 are vacated.

IT IS FURTHER ORDERED that, Administrative Order 20-15 for Civil Division cases is incorporated herein in regard to all matters including, but not limited to, the following: Discovery; Video Depositions; Previously Scheduled Contested Motions; Pre-Trials and Settlement Conferences; Case Status Settings; Scheduled Motions and Trials; and Emergency Motions.

IT IS FURTHER ORDERED that, the following procedures will apply to all cases assigned to Probate:

**A. AGREED ORDERS AND UNCONTESTED MATTERS FOR RULING BY EMAIL.**

1. The Probate Division 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. Approval of settlements for minors and disabled estates (the local rule 5-3.23 requiring the minor to appear in person is hereby suspended on a temporary basis subject to further order of this court);
  - d. Virtual Representation/Family Settlement Agreements;
  - e. Expenditures or distributions from a guardianship estate;
  - f. Listing or sale of real estate or other assets of a guardianship estate;
  - g. Petition for appointment of a guardian ad litem or special administrator;
  - h. Actions of an estate representative in supervised administration; and

- i. 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 to [cc201@lakecountyil.gov](mailto:cc201@lakecountyil.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 in Microsoft Word.
4. Upon receipt, the Clerk's Office will forward the filing and the proposed order to the judge for review. If the judge approves the order, the order will be entered, and the Clerk will 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 deny the proposed order.
6. In the event the judge does not approve the order, the Clerk will notify the parties, and will provide further instruction, as appropriate.

## **B. PETITIONS FOR APPOINTMENT OF A GUARDIAN OF A DISABLED ADULT.**

1. 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") via Zoom, consistent with the requirements described herein.
2. Upon filing of a Petition for Guardianship, the Clerk of the Court will assign the matter a date and time for initial hearing via Zoom. Petitioner may obtain the hearing date by phone from the Clerk of the Court at 847-377-3260. Petitioner shall send Notice of the assigned Zoom hearing 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 2-1.05.

3. Prior to the initial Zoom hearing date courtesy copies of the following shall be submitted via email to [cc201@lakecountyil.gov](mailto:cc201@lakecountyil.gov):
  - a. Cover letter referencing the name of the Estate, case number, date of hearing (if any), 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);
  - g. Summons Served on Respondent pursuant to 755 ILCS 5/11a-10(e); and
  - h. Other documents as appropriate including, but not limited to: Statement of Right to Petition for Discharge; Order to Notify State Police; and Order Waiving Presence.
  
4. In a hearing conducted via Zoom, 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 two-way 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 refuses to comply with the guardian ad litem's request.
  
6. Hearing on appointment of a Plenary Guardian may be held by Zoom if the Court: after confirming that all notice requirements pursuant to 755 ILCS 5/11a-10 (e) and (f) have been satisfied; and after considering any objections; and the recommendation of the

guardian ad litem; finds that holding the hearing by Zoom is in the best interests of the alleged disabled.

7. Hearing on appointment of a Plenary Guardian may not be held by Zoom if the Court: after considering the objections of any party; and the recommendations of the guardian ad litem; and the totality of other circumstances; determines that a full and fair hearing cannot be held by Zoom pursuant to 755 ILCS 5/11a-11.5.
8. Hearings on appointment of a temporary guardian may be held via Zoom in the discretion of the Court.

**C. PETITIONS TO OPEN OR CLOSE AN UNCONTESTED DECEDENT'S ESTATE WITHOUT FORMAL COURT APPEARANCE.**

1. Courtesy copies shall be sent to the court at [CC201@lakecountyiil.gov](mailto:CC201@lakecountyiil.gov) accompanied by a cover letter which references the name of the estate, the number of the case, a detail of the documents attached, any pending court or scheduled court dates, and the specific action requested.
2. For Petitions for Opening an Uncontested Decedent's Estate, copies of the following documents shall be attached:
  - a. Copy of the Petition for Probate and for Letters including Exhibit A;
  - b. Copy of the previously filed original Last Will and Testament, if any, and the date of filing;
  - c. Affidavit of Heirship;
  - d. Waiver of Notices;
  - e. Any other relevant and previously filed document for the court's review and consideration;
  - f. Proposed Order Declaring Heirship;
  - g. Proposed Oath of Office and Bond; and
  - h. Proposed Order Appointing Representative of Decedent's Estate.
3. For Petitions for Closing an Uncontested Decedent's Estate, copies of the following documents shall be attached:
  - a. Copy of the Petition for Probate and for Letters including Exhibit A;
  - b. Copy of the previously filed original Last Will and Testament, if any, and the date of filing;
  - c. Order of Heirship;
  - d. Order Appointing Representative of Decedent's Estate;

- e. Notice to Heirs and Legatees or Waiver of Notice Appearance for Letters of Office and Consent;
  - f. Receipt Consent and Waiver on Closing of Decedent's Estate;
  - g. Proof of Publication;
  - h. Final Report of Independent Representative; and
  - i. Proposed Order of Discharge.
4. Orders submitted for the Court's consideration shall be considered "Proposed" and shall not be filed with the Clerk of Court unless approved.
  5. Upon receipt, the Clerk's Office will forward the submitted documents, and the proposed orders to the judge. If the judge approves the proposed orders, they will be entered, and the Clerk will return the executed orders by email within 7 days.
  6. Original Letters of Office will also be issued and mailed within seven (7) days.
  7. In the event the judge does not approve the proposed orders, the Clerk will notify the attorney by email or telephone within seven (7) days with further instructions/directions.

#### **D. COURTESY COPIES AND QUESTIONS.**

1. **All courtesy copies**, except those specifically described above, and except guardian ad litem reports which may be submitted to the court's email [CC201@lakecountyil.gov](mailto:CC201@lakecountyil.gov), **shall be delivered to the Clerk's Office, or Court Administration by regular mail, or hand delivery, and not to the court's email address.**
2. All questions for the Probate Clerk shall be called in to 847-377-3260.

#### **E. 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 Clerk's Office by email, and the request will be routed for approval to the assigned judge. The order granting or denying the request will be emailed back to the self-represented litigant.

IT IS FURTHER ORDERED that, 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.

Dated this 20<sup>th</sup> day of April, 2021.

ENTERED:

A handwritten signature in cursive script that reads "Diane E. Winter". The signature is written in black ink and is positioned above a horizontal line.

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DIANE E. WINTER,  
Chief Judge