

IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT  
McHENRY COUNTY, ILLINOIS

IN RE THE MATTER OF PROCEDURES IN )  
THE JUVENILE DIVISION PURSUANT TO )  
THE CONTINUITY OF OPERATIONS )  
COVID-19 PROTOCOLS. )

Juvenile Division Memorandum &  
Standing Order 2020-02

**FILED**

APR 20 2020

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KATHERINE M. KEEFE  
McHENRY CTY. CIR. CLK.

**MEMORANDUM AND STANDING ORDER**

In response to the COVID-19 Pandemic, the court is operating under the Circuit's Pandemic Continuity of Operations Plan and hearing only essential matters in accordance with the Illinois Supreme Court Order filed under M.R. 30370 on March 17, 2020. The Court recognizes the COVID-19 Pandemic is a catastrophic event. In response, the Illinois Department of Children and Family Services (hereinafter "DCFS") have promulgated directives modifying their administrative rules and procedures related to court-involved children; children in the custody and guardianship of DCFS; the services offered and provided to the respondent-parents of those children; the visitation between respondent-parents and their children as well as any siblings they might have. These directives and procedures are, in part, set forth in "DCFS Action Transmittal 2020.02" (hereinafter "A.T. 2020.02"), dated March 25, 2020. The directives contained in A.T. 2020.02 suspends all court-ordered in-person "Supervised Visitation" between respondent-parents and their children until further notice. It requires that all DCFS and private agency staff as well as caregivers shall identify alternative ways to allow parent/child/sibling contact during this crisis and should utilize technology such as videoconferencing, telephones, etc. to allow "meaningful" interaction with their families during this public health crisis. The directives do not distinguish

between visitation supervised directly by DCFS/POS and visitation scheduled through DCFS/POS but supervised by immediate family members, extended family members, and/or fictive-kin.

A.T. 2020.02 further allows “unsupervised visitation” between respondent-parents and their children to continue provided that a pre-screening tool is utilized to ensure that it is safe and appropriate to do so. If a parent is unable to participate in an in-person visitation because of sickness or health concerns, “all DCFS and private agency staff shall identify alternative ways to allow parent/child and sibling contact during the crisis.”

Regarding unsupervised visitation, the pre-screening tool consists of asking three questions:

- (1) Within the last 14 days have you traveled to an area with widespread coronavirus according to the CDC?;
- (2) Within the last 14 days have you had close contact with a person with test-proven COVID-19?; and
- (3) Do you have fever, cough or trouble breathing?

If the answer is YES to any of these questions, then:

- (1) The unsupervised visits will be suspended until the youth/caregiver/family members are well and/or the 14-day quarantine has expired;
- (2) The youth/caregiver/family members will be notified of the COVID-19 risk assessment results; and
- (3) The following isolation measures will be implemented. These isolation measures include, but are not limited to:

- A. Persons who are ill, but without travel or known COVID-19 exposure, should stay home until symptom-free for 7 days after onset of symptoms and at least 72 hours

without fever above 100.4 °F (38 °C). In group facilities, they should separate from other residents and have limited contact with other staff.

- B. Persons with travel or contact exposure, but without symptoms, should follow the 14 day quarantine guideline; and
- C. Persons with symptoms and travel or contact exposure should contact their medical provider for guidance regarding medical evaluation and possible testing.

The Administrative Office of Illinois Courts received correspondence from Jerry Milner, Associate Commissioner, Children's Bureau, U.S. Department of Health & Human Services and the Administration for Children and Families, dated March 27, 2020. In addressing the COVID-19 Pandemic, he stated in pertinent part:

“Discourage or refrain from issuing blanket court orders reducing or suspending family time; be mindful of the need for continued family time, especially in times of crisis and heightened anxiety; and remain cognizant that interruption or cessation of family time and parent-child contact can be traumatic for children.”

The Executive Orders related to the COVID-19 Pandemic entered by Governor J.B. Pritzker, specifically Executive Order 2020-10, Section (1) “Stay at Home; Social Distancing Requirements; and Essential Businesses and Operations.” issued March 20, 2020, defines essential travel as “travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.” Individuals engaged in any essential travel must comply with all social distancing requirements as defined in that Executive Order.

In making this decision, the Court considered: A.T. 2020.02, Governor Pritzker's Executive Orders entered pursuant to the COVID-19 Pandemic, the correspondence received from the U.S. Department of Health and Human Services' Administration for Children Families, COVID-19 Administrative Orders from the Illinois Supreme Court and the Circuit Court of the

22<sup>nd</sup> Judicial Circuit, and the best interests of the children involved in proceedings before this Court.

**IT IS HEREBY ORDERED** that, in response to the COVID-19 Pandemic and while the Court is operating under the Circuit's Pandemic Continuity of Operations Plan and hearing only essential matters, the Juvenile Division hereby implements the following procedures related to juvenile abuse, neglect and dependency cases in which "Supervised Visitation" has been ordered and is to be scheduled through DCFS/POS and supervised by immediate family members, extended family members, and/or fictive-kin, until further order of court.

¶ 1 In all pending matters where "Supervised Visitation" has been ordered between respondent-parents and their children which is to be scheduled through DCFS/Agency and supervised by immediate family members, extended family members, and/or fictive-kin who have been approved by DCFS/Agency and the court, the "supervised visitation" shall resume and continue uninterrupted until further order of court, subject to the following conditions:

- A. The "supervised visitation" must have been ordered by the court and was taking place prior to the enactment of the 22<sup>nd</sup> Judicial Circuit's COVID-19 Continuity of Operations Pandemic Protocols;
- B. The immediate family-members, extended family members, and/or fictive-kin must explicitly agree to continue to supervise the visitation as court ordered;
- C. The "supervised visitation" shall continue to be scheduled through DCFS/Agency; and
- D. All immediate family members, extended family members, and/or fictive-kin who are supervising the visitations shall strictly comply with the "Pre-screening Tool" set forth in A.T. 2020.02 and all of the protocols contained therein.

¶2 The State's Attorney's Office, attorneys of record, Guardians ad litem, and Regional Counsel for the Illinois Department of Children and Family Services are given leave to electronically file motions if the conditions are not met, the circumstances surrounding the conditions have changed, or they believe that the "supervised visitation" as supervised by immediate family members, extended family members, and/or fictive-kin is inappropriate for any reason. The party filing the motion shall have the burden of establishing the conditions which have not been met, the circumstances surrounding the conditions which have changed, and/or why the "supervised visitation" is inappropriate and should be suspended by Order of the Court.

Date: 4/20/2020

Judge: 