



Supreme Court of Illinois

February 23, 2021

ILLINOIS SUPREME COURT APPROVES TEMPORARY ORDERS FOR EVICTION CASES AND ELECTRONIC SIGNATURES

Chief Justice Anne M. Burke and the Illinois Supreme Court announced today two new temporary orders and one amended order regarding eviction cases and electronic signatures in Illinois courts. The orders were first proposed by the Illinois Judicial Conference Court Operations During COVID-19 Task Force ("Task Force") to address the anticipated surge of evictions once the moratoria expire and improve access to justice for self-represented litigants.

The Orders are available on the Court website by [clicking here](#).

"The Court would like to thank the Task Force for its extensive work on the evictions issue," Chief Justice Anne M. Burke said. "This was done in the true spirit of collaboration to address challenges created by the COVID-19 pandemic."

The first new order authorizes and encourages every Illinois judicial circuit to establish early resolution programs to allow for alternative dispute resolution of eviction cases, such as mediation and online dispute resolution. The circuits may choose to make such programs voluntary or it may require mandatory participation by litigants as a prerequisite to hearing.

In response to the Court's request for ideas to address the eviction crisis, the Task Force convened a subcommittee made up of representatives from all areas of the state and from the following groups: judges, legal aid organizations, bar associations, Illinois Department of Human Services (IDHS), Illinois Housing Development Authority (IHDA), legal non-profit foundations, tenant and landlord attorneys, tenant associations, landlord associations, sheriff's offices, court staff, alternative dispute resolution ("ADR") organizations, and the Winnebago County Board. The subcommittee was chaired by 17th Circuit Chief Judge Eugene G. Doherty.

Courts are directed to resources and sample materials to develop their own Eviction Early Resolution Programs, available [here](#). Please visit this site as it will be continually updated.

"When the State and Federal eviction moratoriums come to an end, we anticipate a surge of pent-up eviction filings," Chief Judge Doherty said. "Our committee felt that it was important to encourage circuits to consider alternative dispute resolution programs as a way to help deal with the surge and to help landlords and tenants connect to the financial assistance that is available to them."

The second new order states that all courts shall accept all electronically and conventionally filed documents (as defined in the Supreme Court of Illinois Electronic Signature Standards) that are electronically or digitally signed provided the signature and document comply with M.R. 18368.

This order is intended to promote remote pro bono and self-help services as well as reduce in-court traffic and achieve uniformity in the state with regards to documents that are filed bearing the electronic signature “/s/ Name.”

The third order amends the order approved in December 2020, “*In re: Illinois Courts Response to COVID-19 Emergency*”. The amendment states that eviction cannot commence against a “covered person” (defined as a tenant, lessee, sub-lessee, or resident of a residential property who provides to their landlord a qualifying declaration) who does not owe rent unless that person poses a direct threat to the health and safety of other tenants or an immediate and severe risk to property.

If a plaintiff or landlord wishes to challenge the accuracy of a declaration of a “covered person”, they need to file a motion with the court requesting a hearing on that issue at the time when a complaint and certification form are filed.

The Court and the [Illinois Judicial Conference](#) created the Task Force in June 2020 to serve as a rapid response unit to address ongoing challenges to court operations caused by the pandemic. The Chair of the Task Force is J. Timothy Eaton, Partner at Taft Stettinius & Hollister LLP and the Vice Chair is Chief Judge Doherty of the 17th Circuit.

—30—

(FOR MORE INFORMATION, CONTACT: Chris Bonjean, Communications Director to the Illinois Supreme Court at 312.793.2323 or cbonjean@illinoiscourts.gov.)