

## IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

### GENERAL ADMINISTRATIVE ORDER 2025 – 04

#### SUBJECT: Pathways for Uniform Health Care Pilot (Calendar 20)

Effective February 20, 2025, it is directed that the County Division and the Probate Division shall establish Calendar 20, a Cook County courtroom to handle mental health matters that involve the respective Divisions in accordance with the following guidelines. These procedures shall apply to cases initiated in the County Division or in the Probate Division, and which, in the discretion of judges sitting in either Division, are transferred to Calendar 20 for more efficient case management and improved continuity of care for subject citizens.

#### I. Pathways for Uniform Health Care Pilot

The Circuit Court of Cook County is seeking to institute meaningful pathways for legal access to mental health care while maintaining legal protections guaranteed by Illinois statutes. Where a pending guardianship case in the Probate Division requests authority to establish needed care for a respondent suffering from a mental illness, the probate and the mental health statutes limit the guardian's authority where the respondent is objecting to the proposed treatment. Where a case arising out of the County Division involves needed mental health care for respondents, some remedies available in a guardianship case are not within the purview of those mental health courts. The Circuit Court of Cook County is proposing pathways to provide legal solutions while preserving the fundamental rights of the litigants. As a result, a more comprehensive approach is presented herein by the Pathways for Uniform Health Care Pilot ("Pilot"). This Calendar 20 docket is meant to maintain a central case management system for the ongoing issues that often arise in cases involving mental health issues and guardianship matters. It is anticipated that these consolidated case management dates will range from addressing a mental health crisis to monitoring successful compliance with care while respecting the rights of the respondent in the least restrictive approach.

#### The following categories have different eligibility criteria for case management on Calendar 20:

- A. *In a pending mental health matter filed in the County Division, where the trial court has entered an order authorizing the use of involuntary medication or electroconvulsive therapy and where the record indicates the respondent in such matter has a court-appointed guardian.* The Court may, upon entry of such treatment order, transfer the case to the Presiding Judge of the Division to reassign the matter to Calendar 20 for status on compliance with care and for screening on any of the below-listed issues outlined in §II. The Court shall provide notice of the initial case management date and time to any court-appointed attorney for the respondent in the mental health matter on the Order of referral to the Pilot.

- B. *In a pending guardianship matter filed in the Probate Division, where the trial court or attorneys in said matter observe symptoms of a mental health crisis, which could benefit from additional legal interventions pursuant to this Pilot.* The Court after hearing the status of respondent from petitioner and/or upon an initial report of a Guardian *ad Litem* may transfer the case to the Presiding Judge of the Division to reassign the matter to Calendar 20
- C. *At the outset of filings in cases pending in either the County Division or Probate Division, when it is apparent the facts of the case will likely involve issues arising out of both Divisions* Where the content of the pleading alleges mental illness and/or serious symptoms of mental illness, the attorneys may request transfer to Calendar 20, but the referral will be at the discretion of the Court to transfer the case to the Presiding Judge of the Division to reassign the matter to Calendar 20.

## **II. Initial Case Management Upon Referral or Transfer of Qualifying Case**

Upon referral by a Court in either the Probate Division or County Division or upon approval of a request by an attorney in a pending matter, the Court of Calendar 20 shall set an initial case management date and time for the matter at 1:30 p.m. on Thursdays. At the initial case management conference, the Judge presiding may:

- A. Confirm that the case qualifies for the Pilot pursuant to §I above.
- B. Appoint a duly qualified Guardian *ad Litem* ("GAL") pursuant to 405 ILCS 5/2-107.1(a-10) of the Mental Health and Developmental Disabilities Code *and* 755 ILCS 5/11a-10 of the Illinois Probate Act, or otherwise confirm notice of the transfer to Calendar 20 has been provided to a previously appointed GAL who has not otherwise been discharged.
- C. Consider the following issues for purposes of subsequent case management dates and recommendations to the parties and for investigation by the GAL.
  - i. Ascertain whether the respondent is engaging with mental health treatment and what issues exist for continuity of care.
  - ii. Determine the status of any pending guardianship petitions for the respondent and whether there is a current temporary, limited, or plenary guardian appointed for the respondent.
  - iii. Determine whether there appears to be a mental health crisis for purposes of petitioning for an Emergency Order for Detention and Examination wherein the appointed GAL may assist and otherwise oversee such an order and set a status on the result of the same.
  - iv. Determine whether the matter should be screened for a referral for Assisted Outpatient Treatment ("AOT"), and, if so, the appointed GAL may assist and otherwise oversee the referral..
  - v. Determine whether the matter may involve additional involuntary petitions arising out of the Mental Health and Developmental Disabilities Code and direct the GAL to confer with the Cook County State's Attorneys' Office of Seniors and Persons with Disabilities.

- vi. Determine if information is needed about the respondent's suitability for any additional mental health court interventions (as listed above) and set a status for the GAL's report on the same.
  - vii. Determine whether plenary or limited guardianship of the person and/or estate is appropriate, pursuant to 755 ILCS 5/11a-12(b) if the guardianship has not been heard, and whether the modification, revocation or termination of the existing guardianship is necessary pursuant to 755 ILCS 5/11a-20.
  - viii. Retain jurisdiction over 755 ILCS 5/11a-10.1 (Orders of Protection) and 755 ILCS 5/11a-14.1 (Residential Placement).
- D. Subsequent case management dates may be scheduled at a frequency in the Court's discretion and in relation to the issues as they are presented.

### **III. Participation in Pilot**

Nothing outlined herein or throughout the Pilot is meant to abrogate or otherwise interfere with the rights of respondents or disabled adults in any pending proceedings in which an attorney may be appointed on behalf of said respondents or disabled adult in accordance with existing statutes or standing orders. Any private or appointed counsel in a pending mental health matter or a pending guardianship matter shall receive notice of any initial case management on Calendar 20.

Calendar 20 shall maintain the respective file numbers of each case. The "COMH" file number issued in the County Division and the "P" file number issued in the Probate Division shall appear in the case caption on Calendar 20. While all "COMH" orders shall remain sealed by statute, the "P" orders may be sealed at the discretion of the Calendar 20 Judge.

Notwithstanding all of the above, if a psychiatric emergency arises in a Calendar 20 case, the most expedient resolution may be found with the assistance of the Cook County State's Attorneys Office of Seniors and People with Disabilities and a petition filed in the County Division, Calendar 2.

Respondents are encouraged to attend Calendar 20 case management dates unless they may suffer harm.

Entered February 13, 2025