

## BURNETT COUNTY CIRCUIT COURT

### ORDER REGARDING EMERGENCY TEMPORARY MEASURES

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The Burnett County Circuit Court is issuing the attached guidelines to provide procedures and directions for proceedings and essential functions in the Courts during the next several weeks. **These Guidelines are Emergency and Temporary Measures effective from March 17 through April 30, 2020, or upon further Order of the Courts.** The Burnett County Government Center remains open and any change in status will be noticed on the Burnett County website (<https://www.burnettcounty.com/>) and the Wisconsin Court system website (<https://www.wicourts.gov>).

The World Health Organization declared a global pandemic of COVID-19 due to widespread human infection worldwide. On March 13, Governor Tony Evers declared a public health emergency in Wisconsin. Burnett County Circuit Court is monitoring this situation and is committed to open access to our courts and service to the public, and to protecting the health and safety of litigants, judges, court staff, court security, attorneys, jurors, other participants in court proceedings, and all other persons in court facilities.

These guidelines are intended to ensure the continuous performance of the Court's essential functions and operations and at the same time seek to mitigate the risk that our employees, attorneys, litigants, and jurors will be exposed to COVID-19. The guidelines incorporate the use of videoconferencing, teleconferencing, and alternative means of communication to minimize contact, when appropriate; follow social distancing practices; and temporarily suspend some non-essential court functions.

Cases will proceed as currently scheduled unless otherwise provided for in this Order or notified by the Court. Please note that injunction hearings, in-custody criminal intake / preliminary hearings / motion hearings, mental commitments, juvenile detention, CHIPS temporary physical custody, and termination of parental rights cases should be presumed to be proceeding as originally scheduled UNLESS the parties have specifically been informed by the Court.

For information on any specific case, please call the Circuit Court office at 715-349-2149.

For information related to jury service, please call the Burnett County Clerk of Courts office (715-349-2147).

Dated this 17<sup>th</sup> day of March, 2020.

*Melissa R. Mogen*

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Hon. Melissa R. Mogen  
Burnett County Circuit Court

## **TEMPORARY AND EMERGENCY GUIDELINES FOR JUVENILE / CHILD PROTECTION PROCEEDINGS**

1. Initial custody and plea hearings in any juvenile delinquency or juvenile in need of protection and services cases shall be conducted by video or telephone when available if a youth is housed in a detention or shelter facility. All other juveniles may appear by telephone or in-person. Attorneys and social workers should contact the Court for permission to appear by telephone. Anyone who plans to appear by telephone should contact the Burnett County Juvenile Clerk for information (715-349-2177) not less than 2 hours before the scheduled hearing.
2. Emergency custody and plea hearings in CHIPS cases will be handled as referenced in Paragraph 1.
3. Custody / placement reviews will be conducted on a case-by-case basis at the Court's discretion for scheduling, location, and telephone appearances.
4. Dispositional hearings shall be in person unless the Court determines otherwise. The Court will find good cause if a decision is made to set the matter over or to allow telephonic appearance.
5. Revisions of disposition orders may be by telephone, unless the youth is in detention or shelter. In said cases, the youth may appear by video or telephone with their attorney appearing in person. Others may appear by telephone.
6. Requests for extensions of disposition orders will be granted for up to 45 days without a hearing and rescheduled during the 45 day extension.
7. Hearings for change of placement will be set over unless the Court directs otherwise. The Court will find good cause if a decision is made to set a matter over. Telephone appearances may be granted.
8. Hearings for sanctions will be set over unless the Court directs otherwise. The Court will find good cause if a decision is made to set a matter over. Telephone appearances may be granted.
9. Permanency hearings will remain as currently scheduled and may be conducted by telephone as directed by the Court.

10. Jury trials in TPR cases will be at the discretion of the Court. The Court will find good cause if a decision is made to set the matter over.

11. Court trials will be set over unless otherwise ordered by the Court. The Court will find good cause if a decision is made to set the matter over.

**TEMPORARY AND EMERGENCY GUIDELINES FOR PROCEEDINGS  
FOR CIVIL, SMALL CLAIMS, GUARDIANSHIP, MENTAL COMMITMENT,  
AND FAMILY CASES**

1. All contested matters requiring in-person appearances including jury trials, civil court trials, small claims trials (except evictions), contested divorces, contested custody and placement hearings, and any hearing where evidence will be taken by other than telephonic / video conferencing means (including all de novo hearings) are suspended. The judicial assistant will schedule these proceedings as the Court's calendar permits. Contact the judicial assistant for direction if parties wish to have evidentiary hearings by telephone.
2. Any other hearing, if possible, will be conducted by telephone / videoconferencing / or alternative means of communication and will proceed as scheduled, including but not limited to eviction first appearances, other small claims first appearances, stipulated divorces, name changes, scheduling conferences, status conferences, and motion hearings. For name change and stipulated divorce cases by telephone:
  - a. Name Change: Notices of publication should be on file with the Clerk of Courts at or before the date of the hearing on the name change.
  - b. Stipulated Divorce: Stipulated divorces may be done telephonically if current financial disclosure statements and marital settlement agreements are filed at least twenty-four (24) hours in advance of the hearing. In the case of an absent spouse, please contact the Court for direction.
3. These are guidelines only: if any party or attorney has questions regarding scheduling with a particular Court, they should contact the branch directly for guidance.
4. Mental commitments and guardianship hearings, if possible, will be conducted by telephone / video conferencing / or alternative means of

communication. Parties and attorneys are to contact the Juvenile / Probate Office for directions regarding an alternative appearance mode.

5. Non-criminal traffic matters, including Operating While Intoxicated 1<sup>st</sup> offenses, will be rescheduled as necessary.
6. For proceedings before the Family Court Commissioner and Court Commissioner, only cases that can be conducted by telephone / video conferencing / or alternative means of communication will proceed. No personal appearances will be allowed. For all cases that cannot be conducted by an alternative appearance mode, they will rescheduled. Parties and attorneys are to contact the Family Court Commissioner / Court Commissioner office. **This Guideline does not include injunction hearings heard by the Court Commissioner. Those matters will be heard as scheduled and will require an in-person appearance.**

## **TEMPORARY AND EMERGENCY GUIDELINES FOR PROCEEDINGS FOR CRIMINAL CASES**

The Governor's Executive Order #72 declaring a public health emergency in Wisconsin constitutes good cause for all proceedings involving **out-of-custody defendants** to be rescheduled until after April 30, 2020, or held by telephone / video conferencing / or alternative means of communication. The Court will be contacting case parties if proceedings will be rescheduled or handled by telephone / video conferencing / or alternative means of communication. **If not rescheduled or advised of an alternative appearance mode, parties are REQUIRED to appear in person for their proceedings as scheduled.**

The Court has discretion to deviate from these guidelines as deemed appropriate and any party may request a hearing to determine the mode and schedule for any proceeding. These guidelines apply to all out-of-custody criminal proceedings, including:

- Initial appearances
- Preliminary hearings / pretrial conferences
- Arraignments
- Final pretrial conferences
- Bail/bond hearings
- Motions or other hearings
- Plea hearings
- Status conferences
- Trials
- Sentencing hearings
- Restitution hearings

Proceedings involving **in-custody defendants** will presumptively proceed as timely scheduled or will be minimally delayed. However, the judge has discretion to deviate from this guideline as deemed appropriate and any party may request a hearing for a ruling on the case schedule. Unless mandated by statute or case law, said proceedings will be conducted by video conferencing.