

ORDER REGARDING EMERGENCY TEMPORARY MEASURES

The Fond du Lac County Circuit Court is issuing the attached guidelines to provide procedures and directions for proceedings and essential functions in the Court during the next several weeks. **These Guidelines are Emergency and Temporary Measures ONLY effective from March 18, 2020 until April 17, 2020, or upon further Order of the Court.** The Fond du Lac County courthouse remains open and any change in status will be noticed on the Fond du County Circuit Court website at <https://www.fdlco.wi.gov/> and the Wisconsin Court system website, www.wicourts.gov

The World Health Organization declared a global pandemic of COVID-19 due to widespread human infection worldwide. We are monitoring this situation and are committed to open access to our courts and service to the public, and to protect the health and safety of the litigants, judges, court staff and security, attorneys, jurors, other participants in court proceedings, and all other persons in the court facilities.

These guidelines are in place to ensure the continuous performance of the court's essential functions and operations and yet seek to mitigate the risk that our employees, lawyers, litigants, and jurors will be exposed. The guidelines incorporate use of videoconferencing and teleconferencing to minimize contact, when appropriate; follow social distancing practices; and temporarily suspend some non-essential court functions.

All cases will be evaluated for rescheduling, telephone or video appearances, or will proceed as currently scheduled unless otherwise notified by the Court, or as updated on Wisconsin Circuit Court Access found at <https://wcca.wicourts.gov/> Please note that injunction hearings, criminal preliminary hearings, and mental commitment hearings should be presumed to be proceeding as originally scheduled UNLESS the parties have specifically been informed otherwise by the Court.

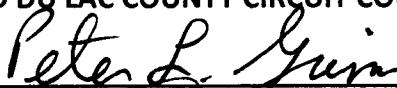
For more information on any specific case, please call the Branch office to which the case is assigned. A link to the Branch offices can be found at <https://fdlco.wi.gov>

For information related to jury service please call the juror clerk. The contact information can be found at <https://fdlco.wi.gov>

Dated this 18th day of March, 2020.



JUDGE DALE L. ENGLISH
FOND DU LAC COUNTY CIRCUIT COURT



JUDGE PETER L. GRIMM
FOND DU LAC COUNTY CIRCUIT COURT



JUDGE RICHARD J. NUSS
FOND DU LAC COUNTY CIRCUIT COURT



JUDGE GARY R. SHARPE
FOND DU LAC COUNTY CIRCUIT COURT



JUDGE ROBERT J. WIRTZ
FOND DU LAC COUNTY CIRCUIT COURT

TEMPORARY AND EMERGENCY GUIDELINES FOR PROCEEDINGS ASSIGNED TO JUVENILE COURT

1. Initial Custody and Plea hearings before the Intake Judge shall be by video from Detention if a youth is housed in Detention or at Shelter, if feasible. All other youths shall appear in the Intake Courtroom with telephone appearances allowed at the discretion of the Intake Judge. Attorneys and Social Workers should contact the Juvenile Clerk for the Intake Judge's permission to appear by telephone.
2. Emergency custody and Plea hearings in CHIPS cases will be handled the same as paragraph 1, above.
3. Custody reviews will be done case-by-case at the Intake Judge's discretion for scheduling, location and phone appearances.
4. Hearings before a judge for a plea or disposition are at the discretion of the Intake judge, or if assigned to a judge then please contact the individual branch for direction as to the branch policy. The court will find good cause if it decides to set over the matter.
5. Revisions of disposition orders may be by telephone appearances, unless the youth is in Detention or at Shelter Home and then they will appear by video if feasible with their attorney. Others can be by phone.
6. Requests for extensions of disposition orders will be granted for up to 30 days without a hearing and rescheduled during the 30-day extension period.
7. Hearings for changes in placement will be set over unless the court directs otherwise. Telephone appearances may be granted.
8. Hearings for sanctions will be set over, unless the judge directs otherwise. Telephone appearances may be granted.
9. Permanency hearings will remain with the court and will be done by telephone appearances as directed by the court.
10. Jury trials in TPR cases will be at the discretion of the assigned judge. Please contact the individual branch for direction as to the branch policy. The court will find good cause if it decides to set over the matter.
11. Court trials will be set over unless otherwise ordered by the court.

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

1. All contested matters requiring in-person appearances including jury trials, civil court trials, small claims, contested custody and placement hearings, and any hearing where evidence will be taken by other than telephonic means (including all de novo hearings) are suspended. Clerks in individual branches will schedule these proceedings as the Court's calendar permits. Contact the individual branch for direction if parties wish to have evidentiary hearings by phone.
2. Any hearing that can be done by phone will proceed as scheduled, including but not limited to stipulated divorces, name changes, scheduling conferences, status conferences, and motion hearings. Some branches will allow name changes and stipulated divorces to be done in-person; check with the branch for their individual policies. For those branches that intend to do name changes and stipulated divorces by phone:
 - a. Name changes: Notices of publication should be on file with the Court at or before the date of the hearing on the name change.
 - b. Stipulated divorces: Stipulated divorces can 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 date and time. In the case of an absent spouse, please contact the branch for direction.
3. These are guidelines only; if any party or attorney has questions regarding scheduling with a particular Court, they should contact that branch directly for guidance.

TEMPORARY AND EMERGENCY GUIDELINES FOR PROCEEDINGS FOR CRIMINAL CASES

This coronavirus health situation constitutes good cause for all proceedings involving out-of-custody defendants to be rescheduled until after April 17, 2020, or held by telephone or video-conference. Individual branches will be contacting case parties if proceedings will be rescheduled or handled by phone or in writing. Each Intake Judge will review the Intake Court's scheduled cases and will be contacting case parties if proceedings will be rescheduled or handled by phone or in writing. **If not rescheduled or advised of an alternative appearance mode, parties are required to appear for their proceedings as scheduled.**

Each judge 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 criminal proceedings, including:

- Initial appearances
- Preliminary hearings/status conferences
- Arraignments
- Final pretrial conferences
- Bail/bond hearings
- Motion or other hearings
- Plea hearings
- Status conferences before trial
- Trials
- Sentencing hearings
- Restitution hearings

Proceedings involving in-custody defendants, who are not being held on any basis other than the case-at-bar, will presumptively proceed as timely scheduled. However, each judge has discretion to deviate from this guideline as deemed appropriate, and each party may request a specific hearing for a ruling on the case schedule.

Individual branches will be contacting case parties if proceedings will be rescheduled or handled by phone or in writing. **If not rescheduled or advised of an alternative appearance mode, parties are required to appear for their proceedings as scheduled.**

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There shall be no new writs that statutorily require the Sheriff to act upon on or before April 17, unless specifically ordered by the court.

**TEMPORARY AND EMERGENCY GUIDELINES FOR
PROCEEDINGS FOR CIRCUIT COURT COMMISSIONERS
AND INTAKE COURT JUDGE**

1. For juvenile matters, please refer to the guidelines above.
2. Family and Paternity In-Person and Evidentiary Hearings: Any hearings requiring in-person hearing or testimony will be deferred until after April 17, 2020. No personal appearances will be allowed. For all cases that cannot be possible by phone/video, they will be rescheduled. Stipulated divorce hearings and temporary order hearings will be held via video conferencing and teleconferencing. Required documents including but not limited to, signed marital settlements agreements, financial disclosure statements, parenting plans, proposed Findings of Fact and Judgment, shall be filed no less than two business days prior to the hearing. Counsel and parties are responsible for initiating communication with the Court Commissioner's Clerk at (920) 929-3075 to effectuate appropriate scheduling. The use of videoconferencing includes ZOOM technology approved by the Director of State Courts. Hearings required to be on the record will be recorded via ZOOM and transcribed by the Court Reporter for the Court Commissioner.
3. Injunctions: Hearings on requests for domestic abuse and harassment injunctions, including firearm surrender hearings, are governed by statutory time limits. These hearings will continue to be scheduled by the Court Commissioner, but consideration shall be given for the use of tele- or video conferencing as an alternative to in-person hearings.
4. Family Court Services: Family Court mediation will be via video conferencing or rescheduled. Contact Family Court Services at (920) 929-3404 for information regarding rescheduling mediation appointments. Parent Education sessions are canceled, effectively immediately, until April 17, 2020.
5. Mental Commitment and Guardianship Hearings will be by video or phone. The Court Commissioner will not travel to any institution and will remain in the Courthouse. Parties are to contact the Probate Office (920) 906-4743 with telephone numbers of witnesses and attorney, and where subject can be called and any IP numbers.

6. Criminal and Traffic Bail hearings held by video at the jail shall continue as usual.
7. Voluntary appearances on a bench warrant will be held on an individual basis, and may be done by telephone.
8. Small claims appearances in Intake Court, except for eviction cases, are suspended until April 17th. Any non-eviction matters currently set for a date on or prior to April 17th, will be rescheduled by the Clerk via written or telephone notice. Eviction cases shall proceed with phone appearances only and the parties shall call (920) 929-3032 PRIOR to the initial/return court date to let the court know what the number the clerk can call the parties and transfer the court to the Intake Judge. Any requests to reschedule shall be submitted in writing with reasons and a working phone number, but if unable to make a written request then must call (920) 929-3032. The Intake Judge can conduct the Trial by telephone on the initial/return date, or reschedule to a new trial date in a court room with all parties and witness appearing in court. Requests for Stay of Writs of Restitution (eviction) shall be submitted with phone numbers to the Intake Judge who shall schedule the hearing either by telephone or in person on a case by case basis.
9. Weddings by a Court Commissioner in a court room are permitted subject to the Judge's permission, but no more than 4 persons, plus the Commissioner, are allowed in the court room for the ceremony.