

## **SECOND AMENDED ORDER REGARDING EMERGENCY TEMPORARY MEASURES**

The Monroe County Circuit Court is issuing the attached revised temporary guidelines to provide procedures and directions for proceedings and essential court functions in the courts temporarily. These guidelines are emergency and temporary measures effective until further order of the court with direction from the Wisconsin Supreme Court. The Monroe County Justice Center remains open and any change in status will be noticed on the Monroe County Clerk of Court website at <http://www.co.monroe.wi.us/departments/clerk-of-courts/> and Wisconsin Court System website at (<https://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; to promote public safety; and to protect the health and safety of litigants, court staff and security, judges, attorneys, jurors, other participants in court proceedings, and all other persons in court facilities. In addition, the Wisconsin Supreme Court has entered orders covering circuit courts regarding jury trials and in-person proceedings dated March 22, 2020, and a further order dated April 15, 2020. The Chief Judge of the 7<sup>th</sup> Judicial District entered an order on March 23, 2020, providing exceptions to the Wisconsin Supreme Court order related to in person proceedings as allowed by the Wisconsin Supreme Court Order. Governor Evers has extended the Safer at Home order through May 26, 2020.

These guidelines are in place to ensure that the essential operations of the courts continue in an appropriate manner during the present public health emergency seeking to mitigate the risk that our employees, lawyers, litigants and jurors will be exposed. The guidelines incorporate use of videoconferencing and teleconferencing to minimize interpersonal contact and temporarily suspend some non-essential court functions.

For specific information on a particular case, please call the Branch to which the case is assigned.

Branch 1 – 608-269-8700

Branch 2 – 608-269-8926

Branch 3 – 608-269-8875

We would like to encourage the public to pay fines via mail, online, or via phone. ([www.GovPayNow.com](http://www.GovPayNow.com) PLC (Pay Location Code) 1479, or <https://www.wicourts.gov/ecourts/payonline.htm>

We also encourage the public to become familiar with efilings, available for most cases. ([www.wicourts.gov/ecourts](http://www.wicourts.gov/ecourts))

## CRIMINAL, TRAFFIC AND FORFEITURE INTAKES

1. **Felony and Misdemeanor Initial Appearances (represented by an attorney)** Initial appearances for misdemeanor offenses will be conducted by telephone or video conferencing through Zoom. Attorneys are required to appear by Zoom. For misdemeanor cases, attorneys are expected to obtain an authorization to appear and file it within 5 business days of the initial appearance. For felony cases, defendants are required to appear by Zoom unless excused by the court. Attorneys shall have their client's phone number with them in court so it is easier to recognize their clients through Zoom. Attorneys may also need to contact their clients to advise them when to connect through Zoom.
2. **Initial Appearances (unrepresented):** Initial appearances for defendants that are unrepresented shall be conducted by Zoom at the discretion of the court.
3. **Preliminary Hearings:** Preliminary hearings may be completed by Zoom at the discretion of the court. Defendants and their attorneys are both required to appear by Zoom unless other arrangements are made with the court at least 2 business days prior to the preliminary hearing. Parties are required to notify their witnesses information to appear by Zoom and file any exhibits at least 2 business days prior to the preliminary hearing or as ordered by the court.
4. **Waiver/Schedule Hearings:** Attorneys shall advise the court by at least 8 business days before the scheduled hearing whether it will be a waiver or request for a preliminary hearing. If the defendant is requesting a preliminary hearing it will be scheduled at a later date. If it will be a waiver, the defendant and his/her attorney shall appear by Zoom at the scheduled hearing. If the scheduled hearing is on a Monday it shall be at 8:30 a.m. The waiver form shall be completed and filed prior to the hearing. The court may proceed without the waiver form at its discretion.
5. **Plea/Schedule:** Attorneys shall advise the court at least 8 business days before the scheduled hearing whether the defendant will enter a misdemeanor plea or whether another hearing needs to be scheduled. If it will be a misdemeanor plea, it will remain on the calendar as scheduled. Both the defendant and his/her attorney shall appear by Zoom.
6. **Misdemeanor Pleas and/or Sentencing:** Misdemeanor pleas and/or sentencings will be conducted by Zoom provided the defendant agrees after a colloquy is completed.
7. **Felony Plea:** Felony pleas and/or sentencings may be conducted by Zoom at the discretion of the court provided the defendant agrees after a colloquy is completed.
8. **Traffic and Forfeiture:** Defendants shall file a written not guilty plea if they wish to contest their citation(s) prior to their court date rather than appear in court. If they are unable to submit a written not guilty plea timely, they may contact the Traffic Clerk at 608-269-8744 to request an adjournment. Traffic and forfeiture trials may be conducted by Zoom at the discretion of the court. All exhibits for trials shall be filed and provided to all parties a minimum of 2 business days before the hearing or as directed by the court.
9. **Bonds:** Bond hearings will be conducted by Zoom. If a defendant posts a bond on a domestic abuse arrest, the jail shall give the defendant a court date within 72 hours of the arrest with the phone number to call between 8:00 a.m. and 9:00 a.m. the morning of their bond hearing. A bond hearing including those on a domestic abuse arrest may be heard in person if telephone or video conferencing through Zoom is unavailable despite best efforts. Testing requirements for alcohol and drugs will be reduced as determined by the Justice Department for bond monitoring participants. Consideration shall be given to utilizing testing means which limit contact with Justice Department staff.

- 10. Jury Trials:** All jury trials currently scheduled for a date prior to May 22, 2020, will be rescheduled. Each branch shall determine when and if jury trials can be conducted giving consideration to any direction received from the Wisconsin Supreme Court. Parties may file a motion with the Wisconsin Supreme Court seeking an exception. Any motion should be identified as an “Emergency” motion on its face and shall be filed as soon as possible.
- 11. General:** For all cases above, neither the defendant nor their attorney shall appear in person unless telephone or video conferencing through Zoom is unavailable despite best efforts and it is approved by the court. All pretrial conferences will be conducted by email or by telephone. Notices for Zoom appearances will be filed and sent by mail to defendants.

#### DELINQUENCY, CHIPS, JIPS, TRUANCY AND TPR CASES

- 1. Telephone, Video Conferencing and time limits:** Hearings will be conducted only by telephone or videoconferencing through Zoom. An exception may be made if it is a proceeding necessary to protect the constitutional rights of a juvenile. If a hearing cannot be completed by Zoom, the court shall address the statutory time limits and good cause to extend the time limits at the time of the scheduled hearing. Temporary physical custody requests may be heard in person if telephone or videoconferencing is unavailable despite best efforts.
- 2. Appearance of children:** The expectation that children be brought to court for CHIPS hearings is suspended during the time covered by this order. Children may appear by Zoom if determined appropriate by the court. The child's wishes shall be presented by the Guardian ad Litem.
- 3. Truancy:** All truancy hearings shall be adjourned to a date after September 1, 2020.

#### CIVIL CASES

- 1. In-person Hearings:** All jury trials currently scheduled for a date prior to May 22, 2020, shall be rescheduled. Each branch shall determine when and if jury trials can be conducted considering any direction received from the Wisconsin Supreme Court. Court trials, or other contested or potentially contested evidentiary hearings may be conducted by Zoom at the discretion of the court. All exhibits for hearings shall be filed and provided to all parties a minimum of 2 business days before the hearing or as directed by the court.
- 2. Non-evidentiary Hearings:** Any non-evidentiary hearing that can be done by phone or video conferencing through Zoom will proceed as scheduled, including but not limited to scheduling conferences, status conferences, pretrial conferences, motion hearings, oral decisions, and name change proceedings.
- 3. Injunctions:** Hearings on requests for domestic abuse, harassment, child abuse and vulnerable adult injunctions have an impact on safety and are governed by statutory time limits. These hearings may be held in person or by telephone or video conferencing through Zoom. The court may also adjourn these hearings at its discretion. If the temporary restraining order is granted, the court may complete an Order Extending Time for Hearing providing for a later court date giving the reason that in person testimony is needed.
- 4. Small Claims:** For the Monday Small Claims calendar, plaintiffs shall call the Small

Claims Clerk at 608-269-8746 to request judgment rather than appearing in person. Defendants shall file a written answer by their court date and time if they are contesting. Defendants may receive an extension to file the written answer provided they call the Small Claims Clerk at 608-269-8746 by the date and time of their hearing. That extension will be to the following Monday by noon. Neither Plaintiffs nor Defendants shall appear in court for the Monday Small Claims Calendar. Trials may be held at the discretion of the court by Zoom. Eviction actions will be dismissed that do not comply with Governor Evers' Emergency Order #15 or any future order. The court may delay providing a writ of eviction subject to the plaintiff requesting a hearing. If either party has a question regarding what is required they may call the Small Claims Clerk.

5. **Emergency Writs:** Emergency writs for Mandamus, Habeas Corpus, Certiorari, or injunctive relief may be heard in person if telephone or videoconferencing is unavailable despite best efforts.

## FAMILY CASES

1. **In Person and Evidentiary Hearings:** Any hearing requiring in-person testimony scheduled may be conducted by Zoom at the discretion of the court. All exhibits for hearings shall be filed and provided to all parties a minimum of 2 business days before the hearing or as directed by the court.
2. **Default Divorces:** Default divorces will be held by telephone or videoconferencing through Zoom. Required documents including but not limited, to signed marital settlement agreements, current financial statements, parenting plans, etc. shall be filed no less than 2 business days prior to the hearing.
3. **Child Support:** The child support calendar shall be suspended with no court appearances until further order of the court. If a case has a more immediate need, it may scheduled and heard through Zoom. The next pay or appear court date that will be held is anticipated to be on June 2, 2020
4. **Emergency Orders:** Emergency orders to enforce placement or custody or to relocate may be heard in person if telephone or videoconferencing through Zoom is unavailable despite best efforts.
5. **Other Hearings:** Hearings that are non-evidentiary may be conducted by telephone or videoconferencing through Zoom.
6. **Temporary Hearings with Family Court Commissioner:** Temporary hearings will be held by telephone or by telephone or videoconferencing through Zoom at the discretion of the Family Court Commissioner or the court.
7. **Mediations:** Mediations scheduled for May 14 and 15, 2020, will be conducted by telephone. Future mediations may be conducted by telephone, video conferencing, or in person complying with social distancing requirements at the discretion of the court and the mediator.

## COMMITMENTS, GUARDIANSHIPS AND PROTECTIVE PLACEMENTS

1. **WATTS Reviews:** WATTS reviews will be adjourned as necessary. This decision reflects the need for contact between the GAL and ward, recognition that a majority of wards are among the vulnerable population, and recognition that many facilities have adopted substantial restrictions on interpersonal contact with residents. WATTS review hearings will be conducted by Zoom unless telephone or videoconferencing is

unavailable despite best efforts.

2. **Video and Teleconference:** Hearings for mental commitments, guardianships and protective placements will be held by telephone or videoconferencing through Zoom when possible. If telephone or videoconferencing is unavailable despite best efforts, guardianship, protective placement and mental commitment hearings may be heard in person.

#### TREATMENT COURTS

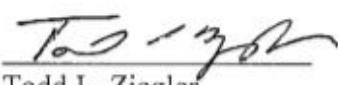
1. **Regular sessions:** Regular treatment court sessions will be conducted by telephone or videoconferencing through Zoom.
2. **Coordination/supervision:** Monitoring of offenders will continue to take place with a strong preference for telephone and videoconferencing contacts.
3. **Team meetings:** The team will continue to meet to consider participant progress and potential sanctions through Zoom and/or group messaging.
4. **Testing:** Testing of participants will take place only as deemed appropriate by the team.

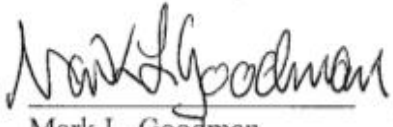
IN REGARD TO JURY TRIALS, PARTIES MAY FILE A MOTION WITH THE WISCONSIN SUPREME COURT SEEKING AN EXCEPTION. ANY MOTION SHALL BE FILED AS SOON AS POSSIBLE AND BE IDENTIFIED ON ITS FACE AS AN EMERGENCY MOTION.

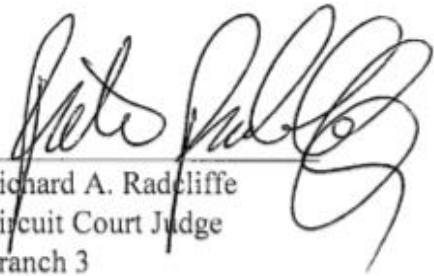
**ALL OTHER HEARINGS** WILL BE EITHER CONDUCTED BY TELEPHONE OR VIDEO CONFERENCING THROUGH ZOOM OR BE RESCHEDULED AS PROVIDED ABOVE. THE EXCEPTIONS ARE AS PROVIDED ABOVE AND OTHER PROCEEDINGS NECESSARY TO PROTECT THE CONSTITUTIONAL RIGHTS OF CRIMINAL DEFENDANTS AND JUVENILES AND PROCEEDINGS INVOLVING IN-CUSTODY DEFENDANTS WHO ARE NOT BEING HELD ON ANY OTHER BASIS OTHER THAN THE CASE-AT-BAR. ADDITIONAL EXCEPTIONS MAY BE GRANTED BY THE CHIEF JUDGE AS PROVIDED IN HIS ORDER.

**ALL EXHIBITS FOR HEARINGS CONDUCTED BY TELEPHONE OR VIDEOCONFERENCING SHALL BE FILED AND PROVIDED TO ALL PARTIES AT LEAST 2 BUSINESS DAYS PRIOR TO THE HEARING OR AS ORDERED BY THE COURT.**

Dated this 24<sup>th</sup> day of April, 2020

  
Todd L. Ziegler  
Circuit Court Judge  
Branch 1

  
Mark L. Goodman  
Circuit Court Judge  
Branch 2

  
Richard A. Radcliffe  
Circuit Court Judge  
Branch 3