

## **SECOND AMENDED PIERCE COUNTY CIRCUIT COURT ORDER RE: EMERGENCY TEMPORARY MEASURES**

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The Pierce 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 effective from May 22 through July 3, 2020, or upon further Order of the Court.** The Pierce County Courthouse remains open and any change in status will be noticed on the Pierce County website (<https://www.co.pierce.wi.us>), the Wisconsin Court system website (<https://www.wicourts.gov>), and the Pierce County Clerk of Court Facebook page (<https://www.facebook.com/pierceclerkcourtwi>)

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. The Wisconsin Supreme Court has entered the following Orders: In re the Matter of Remote Hearings During the COVID-19 Pandemic on March 22, 2020 (as amended on April 15, 2020); In Re the Matter of Jury Trials During the COVID-19 Pandemic on March 22, 2020; and In the Matter of an Interim Rule Re Suspension of Deadlines for Non-Criminal Jury Trials due to the COVID-19 Pandemic; Public Hearing Notice on March 31, 2020.

The Wisconsin Supreme Court Order issued on March 22, 2020 (as amended on April 15, 2020) relating primarily to prohibiting “in-person” court appearances (with limited exceptions) and indicated that jury trials were addressed by separate order and was entered indefinitely. The Wisconsin Supreme Court Order issued on March 22, 2020 relating primarily to constitutionally/statutorily recognize speedy trial demands in criminal cases is set to expire on May 22, 2020.

The Wisconsin Supreme Court Interim Rule issued on March 31, 2020 relating primarily to non-criminal jury trials was entered indefinitely.

Chief Justice Patience Roggensack established a COVID-19 Task Force on April 28, 2020, to recommend a framework of criteria under which Wisconsin courts throughout the state can safely continue court proceedings, including jury trials. The framework created by the COVID-19 Task Force, as may be amended and approved by the Wisconsin Supreme Court, will guide circuit courts in each county in creating

written plans that particularize framework criteria to the facilities and resources of each county in order to promote safe court-related interactions. The COVID-19 Task Force framework has been presented to the Wisconsin Supreme Court for its consideration and has provided general recommendations for reengaging in-person court appearances, reengaging jury trials, staffing and facilities/equipment.

The Pierce County Circuit Court awaits the Wisconsin Supreme Court and/or Chief Justice orders/rules/recommendations as may be adopted with regard to the COVID-19 Task Force framework. We remain committed to open access to our courts, service to the public, and to protecting the health and safety of litigants, judges, court staff, court security, attorneys, jurors, and all other persons in court proceedings/facilities.

The Pierce County Circuit Court has established a Stakeholder Group to make recommendations for staffing, facilities and equipment, in-person re-engagement, and jury trials. These recommendations will be approved by the Circuit Court Judge, District Court Administrator and Chief Judge.

The following guidelines are intended to comply with the Supreme Court Orders as well as the Order issued by Honorable Robert VanDeHey, Chief Judge of the Seventh District on March 16, 2020. These guidelines are intended to ensure the continuous performance of the Court's essential functions and operation 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.

As the Clerk of Court office is very small, they will be limiting contact with the public. Parties are encouraged to pay fines via mail, online, or via phone. [www.GovPayNow.com](http://www.GovPayNow.com) PLC (Pay Location Code) 4033. We encourage the public to become familiar with efiling, available for most cases: <https://www.wicourts.gov/ecourts> as well as resources for the public: <https://www.wicourts.gov/services/public>

## **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 video/telephone or in-person. Attorneys and social workers should contact the Juvenile Clerk regarding their appearance via video/telephone. Anyone who plans to appear should contact the Juvenile Clerk for information not less than two hours before the scheduled hearing.
2. Emergency custody and plea hearings in CHIPS cases will be handled as referenced above.
3. Custody/placement reviews will be conducted on a case-by-base basis at the Court's discretion for scheduling, location and video/telephone appearances.
4. Dispositional hearings shall be via video/telephone unless the Court determines otherwise. The Court shall find good cause if a decision is made to set the matter over.
5. Revisions of disposition orders may be by video/telephone, unless the youth is in detention or shelter. In said cases, the youth may appear by video/telephone with their attorney appearing in person. Others may appear by telephone. Conference calls may be set up, contact the Juvenile Clerk for direction.
6. Requests for extension of dispositional orders will be granted for up to 30 days without a hearing and rescheduled during the 30-day extension.
7. Hearings for change of placement will be set over unless the Court directs otherwise. The Court shall find good cause if a decision is made to set a matter over. Video/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 IN CIVIL, SMALL CLAIMS, GUARDIANSHIP, MENTAL COMMITMENT, AND FAMILY CASES**

All jury trials are suspended from May 22, 2020, through July 3, 2020. Parties seeking a jury trial during the aforementioned dates may file a petition with the Court for an emergency exception to this order, which will be heard on an expedited basis.

All hearings will be held either via Zoom videoconferencing or telephone. Contested matters including civil court trials, small claims trials, contested divorces, contested custody and placement hearings, and any hearing where evidence will be taken are to be held via Zoom videoconferencing or will be rescheduled. The Judicial Assistant, Clerk of Court or Register in Probate will schedule these proceedings as the Court's calendar permits. Contact the Judicial Assistant, Clerk of Court or Register in Probate for direction if parties wish to have evidentiary hearings by video/telephone.

The Court may allow name changes and stipulated divorces to be conducted telephonically IF:

Name Change: Notices of publications should be on file with the Clerk of Court at least 24 hours before the date of the hearing.

Stipulated (Default) Divorce: Current financial disclosure statements, marital settlement agreements and findings of fact are filed at least twenty-four (24) hours in advance of the hearing. In the case of an absent spouse, please contact the Judicial Assistant or Clerk of Court for direction.

Mental commitments and guardianship hearings, if possible, will be conducted by telephone/videoconferencing/alternate means of communication. Parties and attorneys are to contact the Register in Probate office for directive regarding an alternative appearance.

Monday non-criminal traffic matters, including Operating While Intoxicated 1<sup>st</sup> offenses will be conducted with all parties via phone. Defendants are to call in to 715-273-6741 for their appearance or they will be defaulted. \*PLEASE NOTE THAT IF YOUR APPEARANCE DOES NOT STATE "MANDATORY" ON THE CITATION YOU CAN SUBMIT A WRITTEN "NOT GUILTY" PLEA in lieu of appearance. You may mail or fax this to the Clerk of Court (PO Box 129, Ellsworth, WI 54011. 715-273-6855).

For proceedings before the Family Court Commissioner/Court Commissioner, only cases that can be conducted by telephone/videoconferencing or alternative means of communication will proceed. No personal appearances will be allowed. All cases that cannot be conducted by an alternative appearance mode will be rescheduled. Parties and attorneys are to contact the Judicial Assistant to reschedule. **This does not include injunction hearings heard by the Court Commissioner. Those matters will be heard as scheduled and may require an in-person appearance. If documents are needed for the Court Commissioner's review opposing parties should receive a copy and they should be filed no later than 24-hours before the hearing.**

## TEMPORARY AND EMERGENCY GUIDELINES FOR PROCEEDINGS IN CRIMINAL CASES

All jury trials are suspended from May 22, 2020, through July 3, 2020. Parties seeking a jury trial during the aforementioned dates may file a petition with the Court for an emergency exception to this order, which will be heard on an expedited basis. Other proceedings will be held remotely via Zoom videoconferencing or telephone. Attorneys are to advise the Clerk of Court and Judicial Assistant how they wish to appear. These proceedings include all *out-of-custody* criminal proceedings:

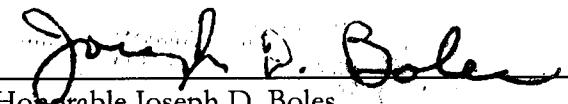
- Preliminary Hearings/Arraignments
- Final Pre-Trial Conferences
- Bail/Bond Hearings
- Motions or other Hearings
- Plea Hearings
- Status Conferences
- Court Trials
- Sentencing Hearings
- Restitution Hearings

Proceedings involving *in-custody defendants* will presumptively proceed as timely scheduled via video/telephone. However, the Court has discretion to deviate from this guideline as deemed appropriate and any party may request a hearing for a ruling on the case scheduled. Please note that the Judicial Assistant/Clerk of Court may not be aware if defendants are in-custody and it is the attorney's responsibility to advise them. If personal appearances are requested, the attorneys/parties are to petition the Court and he will make a ruling. If there are personal appearances, masks may be required and social distancing will be enforced.

Monday Initial Appearances with the Court Commissioner will remain on the calendar; however, attorneys and defendants are to appear via phone and will be noticed as such. Defendants will be provided a list of their constitutional rights via mail before the Initial Appearance. They will be required to return their Bail/Bond via mail within two weeks of the Initial Appearance or a warrant may be issued.

Pre-Trial Conferences scheduled with the Court Commissioner will remain on the calendar; however, they will not be held with the Court Commissioner. If defendants are represented it is the attorney's responsibility to contact the District Attorney to determine further scheduling. If a Defendant is pro se they are to call in to the Clerk of Court at the date/time of their hearing and will be transferred to the assigned District Attorney. If a pro se Defendant does not call in for appearance they will be defaulted or a warrant will be issued.

Dated this 21<sup>st</sup> day of May, 2020.



Honorable Joseph D. Boles  
Pierce County Circuit Court Judge