

# Polk County Circuit Court

## Order Regarding Emergency Temporary Measures

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The Polk 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 Only. They will be in effect from March 17<sup>th</sup>, 2020 through April 30<sup>th</sup>, 2020, or upon further Order of the Court.

The World Health Organization declared a global pandemic of COVID-19 due to widespread human infection worldwide. On March 13<sup>th</sup>, 2020 Governor Tony Evers declared a public health emergency in Wisconsin. The Court is monitoring the situation and is committed to open access to our courts and service to the public, to protecting the health and safety of litigants, judges, court staff, court security, attorneys, jurors, and other participants in court proceedings as well as all other individuals in court facilities.

These guidelines are intended to ensure the continuous performance of the Court's essential functions and operations while at the same time seeking to mitigate the risk that our employees, attorneys, litigants and jurors will be exposed to COVID-19. These 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 court functions.

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

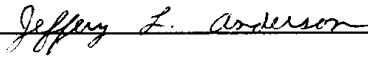
For information on any specific case, please call the Circuit Court Branch office to which the case is assigned:

Branch 1: 715-485-9293

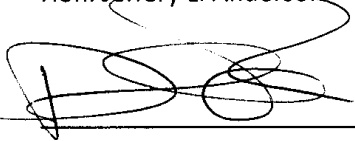
Branch 2: 715-485-9233

For information related to jury service, please contact the Polk County Clerk of Courts office: 715-485-9299.

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

  
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Hon. Jeffery L. Anderson

  
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Hon. Daniel J. Tolan

## **TEMPORARY JUVENILE/CHILD PROTECTION GUIDELINES**

1. Initial custody, plea hearings, emergency custody and CHIPS hearings shall be conducted by video when available or by phone if a youth is housed in a detention or shelter facility. All other juveniles may appear by phone or in-person. Attorneys and social works should contact the Court for permission to appear by phone. Anyone who wants to appear by phone should contact the respective Judge the day prior to the scheduled hearing whenever possible.
2. Custody and placement reviews will be conducted on a case-by-case basis at the Court's discretion for scheduling, location and telephone appearances.
3. 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 to another date.
4. 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.
5. Requests for extensions of disposition orders will be granted for up to 30 days without a hearing and rescheduled during the 30 day extension.
6. 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.
7. 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.
8. Permanency hearings will remain as currently scheduled and may be conducted by telephone as directed by the Court.
9. 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 to another date.
10. Court trials will be set over unless otherwise directed by the Court. The Court will find good cause if a decision is made to set the matter over to another date.

## **TEMPORARY GUIDELINES IN CIVIL, SMALL CLAIMS, GUARDANSHIP, MENTAL COMMITMENT AND FAMILY CASES**

1. All contested matters requiring in-person appearances – including any jury trial, small claim 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. Judicial assistants in each branch will reschedule these proceedings as the Court’s calendar permits. Contact the individual branch for direction if parties wish to have evidentiary hearings by telephone.
2. Any other hearing, if possible, will be conducted by telephone or video conference and proceed as scheduled; included, but not limited to, eviction, first appearances, other small claims first appearances, stipulated divorces, name changes, scheduling conferences, status conferences and motion hearings. A branch may allow name names and stipulated divorces to be done in person. If a name change is done by phone, the notices of publication should be on file with the Clerk of Court before the date of hearing on the name change.
3. Stipulated divorces may be done telephonically if current financial disclosure statements and marital settlement agreements are filed at least forty-eight (48) hours in advance of the hearing. In the case of an absent spouse, please contact the appropriate branch for direction.
4. Please note these are guidelines only. If any party or attorney has questions on any given hearing, they should contact the appropriate Judge’s office directly.
5. Mental commitment and guardianship hearings will be conducted by video conference or telephone if possible. Attorneys shall contact the appropriate office regarding the alterative appearance mode.
6. Non-criminal traffic matters, including OWI 1<sup>st</sup> offenses, will be rescheduled as necessary.

7. For any hearing set before the Court Commissioner, alternate methods of appearance such as video conference or phone appearances will be allowed. This does not include injunction hearings. Those matters will be heard in person as scheduled. The Commissioner will determine if anything on his/her calendar will need to be rescheduled and parties and attorneys will be notified accordingly.

## **TEMPORARY GUIDELINES IN CRIMINAL MATTERS**

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 10<sup>th</sup>, 2020. Whenever possible, status conferences, pretrial conferences, scheduling conferences, and oral rulings will be held by telephone or videoconference. Each branch will be in contact with the defendant and his/her attorney to advise of the alternate means of communication. If the case has not been rescheduled – the parties are required to appear in person for their hearing 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 out of custody criminal proceeding, including:

- Initial appearances
- Preliminary hearings
- Pretrial conferences
- Arraignments
- Final pretrials
- Bond hearings
- Motion hearings
- Plea hearings
- Status conferences
- Trials
- Sentencing hearings
- Restitution hearings

Proceedings that involve defendants that are in custody will proceed as scheduled. However, each 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 conference.

All Jury Trials - except those involving speedy trial requests or consideration of requests for speedy disposition between March 17<sup>th</sup> and April 30<sup>th</sup>, 2020, will be converted to telephonic scheduling conferences. If a case set for Jury Trial between March 17<sup>th</sup> and April 30<sup>th</sup>, 2020 settles, a plea hearing will be held on the trial date unless a party requests, and the Court grants rescheduling to a different date.