

SHEBOYGAN COUNTY CIRCUIT COURTS

ORDER REGARDING EMERGENCY TEMPORARY MEASURES

The Sheboygan County Circuit Courts are 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” effective from March 17 through May 15, 2020, or upon further Order of the Courts.** The Sheboygan County Courthouse remains open and any change in status will be noticed on the Sheboygan County Circuit Court website (<https://www.sheboygancounty.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. The Judges of Sheboygan County are monitoring this situation and are 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 Branch office to which the case is assigned.

Branch 1: 920-459-0308

Branch 2: 920-459-0308

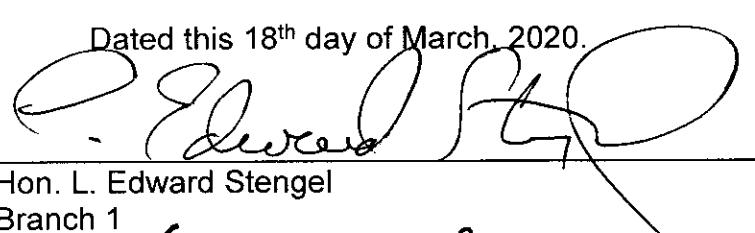
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Branch 4: 920-459-0393

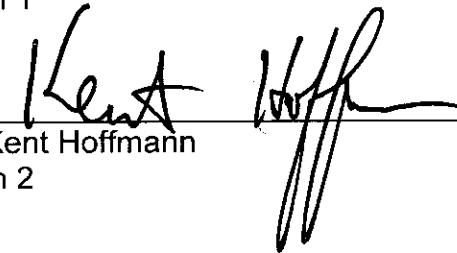
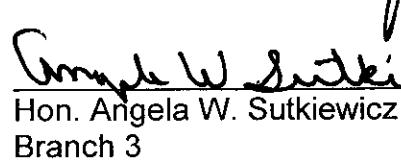
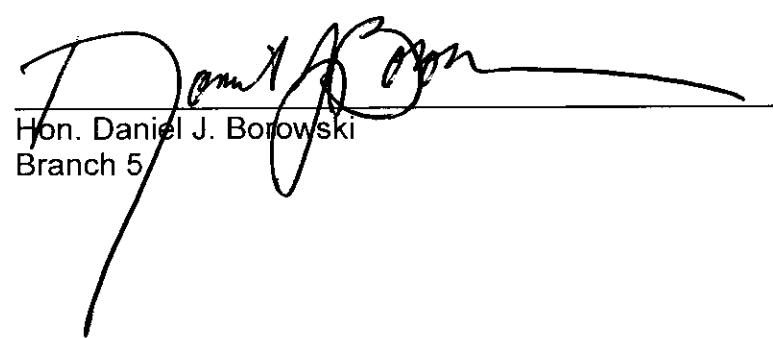
Branch 5: 920-459-3085

For information related to jury service, please call the Sheboygan County Clerk of Courts office (920-459-3896).

Dated this 18th day of March, 2020.



Hon. L. Edward Stengel
Branch 1


Hon. Kent Hoffmann
Branch 2
Hon. Angela W. Sutkiewicz
Branch 3
Hon. Rebecca Persick
Branch 4
Hon. Daniel J. Borowski
Branch 5

**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. Attorneys and social workers should contact the Court for permission to appear by telephone. Anyone who plans to appear by telephone should contact the Sheboygan County Juvenile Clerk for information (920-459-3771) 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.
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 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 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 / Jury 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. Judicial Assistants will schedule 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 / 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, child support enforcement hearings, name changes, scheduling conferences, status conferences, and motion hearings. Some branches may allow name changes and stipulated divorces to be done in-person: check with the individual branch for their policies. For those branches that intend to conduct 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 branch 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. No hearings will be held at Sheboygan Memorial Medical Center unless requested by subject's counsel or mandated by law.
5. Non-criminal traffic matters, including Operating While Intoxicated 1st offenses, will be rescheduled as necessary.
6. Proceeding before the Court Commissioner shall be handled as follows:
 - a. All paternity initial appearances that are currently scheduled prior to May 15, 2020 shall be rescheduled. The adjourned hearing date shall be chosen by the Child Support Agency and noticed by the Child Support Agency.
 - b. All traffic and ordinance citation returns shall be adjourned to a date ten weeks from the original date of appearance. If this general Order is extended beyond May 15, 2020, they may be adjourned again to a date to be determined.
 - c. Stipulated divorce hearings that are already scheduled, injunction hearings, temporary order hearings already scheduled, and criminal initial appearances/bond hearings shall proceed as normal. When possible these hearings shall be conducted by telephone. Parties must contact the Commissioner's Office by phone to get permission to appear by phone and make arrangements.
 - d. No new hearing dates will be given for temporary orders or stipulated divorces prior to May 15, 2020 unless there is an emergency situation. Requests for court dates prior to May 15,

2020 under this provision shall be made in writing to the Court and copied to all other parties.

- e. Juvenile proceedings, mental commitments, and guardianship hearings before the Court Commissioner shall proceed as noted earlier in this Order.
- f. Any extension of this general Order beyond May 15, 2020 shall alter the acceptable dates for scheduling of the above hearings accordingly.
- g. Initial appearances in small claims cases shall be conducted in writing only. Plaintiffs do not need to file a letter of appearance. Defendants may continue to mail a written answer to the court and plaintiff or they may submit a general denial on a small claims phone line established by the clerk of courts office, to be followed within 10 days by a written answer filed with the circuit court and mailed to the plaintiff. The court shall retain the discretion to accept small claims answers submitted within a reasonable time after the scheduled initial appearance date.
- h. Small claims pretrials will continue by telephonic appearance only. The telephone number for such appearances are included on the notice already received by the parties.
- i. All small claims evidentiary hearings scheduled prior to May 15, 2020, will be suspended as provided for earlier in this order and shall be rescheduled.

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 May 15, 2020, or held by telephone / video conferencing / or alternative means of communication. Individual branches will be contacting case parties if proceedings will be rescheduled or handled by telephone / video conferencing / or alternative means of communication. Attorneys / defendants may request adjournments or an alternative means of appearance. These requests will be liberally granted. **If not rescheduled or advised of an alternative appearance mode, parties are REQUIRED to appear in person 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 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. 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 conferencing.