

AMENDED ORDER REGARDING EMERGENCY TEMPORARY MEASURES

The Monroe County Circuit Court is issuing the attached temporary guidelines to provide procedures and directions for proceedings and essential court functions in the courts temporarily. These guidelines are emergency and temporary measures only effective from March 23, 2020 through May 1, 2020 or upon further order of the court. While this Order is effective through May 1, 2020, the provisions regarding jury trials apply through May 22, 2020. 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. The Chief Judge of the 7th 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.

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) PLC (Pay Location Code) 1479, or

<https://www.wicourts.gov/ecourts/payonline.htm>

We also encourage the public to become familiar with efilng, available for most cases. (www.wicourts.gov/ecourts)

CRIMINAL, TRAFFIC AND FORFEITURE INTAKES

1. **Misdemeanor Initial Appearances (represented by an attorney)** Initial appearances for misdemeanor offenses will be adjourned for a period of 12 weeks with the court setting an offer date and a pretrial conference prior to the next initial appearance date. Initial appearances for in custody defendants will be heard by video conferencing.
2. **Felony Initial Appearances (represented by an attorney):** Initial appearances in felony cases will be adjourned for a period of 6 weeks with an offer date and pretrial conference prior to the next initial appearance. At least 2 business days prior to the initial appearance scheduled 6 weeks later, the attorney shall advise the court whether the defendant will be waiving the preliminary hearing or requesting a preliminary hearing. Initial appearances for in custody defendants will be heard by video conferencing.
3. **Initial Appearances (unrepresented):** Initial appearances for defendants that are unrepresented shall be adjourned for 6 weeks. The court shall send a notice advising the defendant of his/her right to an attorney if the defendant has not previously been advised of the same. Initial appearances for in custody defendants that are not represented by counsel will be heard by video conferencing.
4. **Preliminary Hearings:** Preliminary hearings will be rescheduled to a date after May 1, 2020, unless the defendant is in custody. In custody defendants will have their preliminary hearings held within time limits if requested unless specific findings are made by the court.
5. **Waiver/Schedule Hearings:** Attorneys shall advise the court at least 2 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 telephone at the scheduled hearing. The waiver form shall be completed and filed prior to the hearing if possible. Counsel shall be responsible for getting his/her client on the phone and calling the court.
6. **Plea/Schedule:** Attorneys shall advise the court at least 2 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 may be completed at the scheduled hearing with both the defendant and his/her attorney appearing by telephone provided that is acceptable to the defendant. Counsel shall be responsible for getting his/her client on the phone and calling the court. If the matter is adjourned for another plea/schedule it will be adjourned for a period of 6 weeks.
7. **Misdemeanor Plea:** Misdemeanor pleas may be conducted by telephone provided that is acceptable to the defendant. Counsel shall be responsible for getting his/her client on the phone and calling the court. Misdemeanor pleas and sentencings will also be conducted by video conferencing or in person for defendants that are in custody.
8. **Felony Plea:** Felony pleas and sentencings will be conducted only if the defendant is in custody.
9. **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.
10. **Bonds:** In custody defendants will continue to appear by video conferencing. Bonds for

defendants that are not in custody will be adjourned for 6 weeks unless it is a domestic abuse arrest. 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 for the Judge's office to call at that time of their bond hearing. A bond hearing including those on a domestic abuse arrest may be heard in person if telephone or video conferencing 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.

11. **Jury Trials:** All jury trials currently scheduled for a date prior to May 22, 2020, will be rescheduled. A party 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.
12. **General:** For all cases above, neither the defendant nor their attorney shall appear in person except for defendants that are in custody. Any type of hearing not addressed above that cannot be conducted by telephone or video conferencing shall be adjourned for 6 weeks if it is on a criminal calendar or bond calendar. If it is not on such a calendar it shall be adjourned to a date to be determined by the court after May 1, 2020. All pretrial conferences will be conducted by email or by telephone.

DELINQUENCY, CHIPS, JIPS, TRUANCY AND TPR CASES

1. **Telephone, Video Conferencing and time limits:** Hearings will be conducted only by telephone or videoconferencing unless it is a proceeding necessary to protect the constitutional rights of a juvenile. If a hearing cannot be completed by telephone or videoconferencing, 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. The child's wishes shall be presented by the Guardian ad Litem.
3. **Truancy:** All truancy hearings shall be adjourned to a date after May 1, 2020.

CIVIL CASES

1. **In-person Hearings:** All jury trials currently scheduled for a date prior to May 22, 2020, shall be rescheduled. Court trials, or other contested or potentially contested evidentiary hearings requiring the taking of evidence other than by telephone or videoconferencing scheduled before May 1, 2020, shall be adjourned to a date after May 1, 2020.
2. **Non-evidentiary Hearings:** Any non-evidentiary hearing that can be done by phone 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 as scheduled and within the time limits. The court may also adjourn these hearings to a date after May 1, 2020. If the temporary restraining order is granted, the court may also complete an Order Extending Time for Hearing providing for a court date after May 1, 2020, giving the reason that in person testimony is needed requiring the matter to be scheduled after May 1, 2020.

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 scheduled before May 1, 2020, will be rescheduled. If an eviction is granted, the writ of eviction will not be provided to the plaintiff for a period of 30 days. This time period may be extended. If the plaintiff has an objection to this, the plaintiff may request a hearing in writing. Notice will be provided for this type of hearing with all parties appearing by telephone. 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 prior to May 1, 2020 will be adjourned.
2. **Default Divorces:** Default divorces will be held by telephone or videoconferencing or be rescheduled. Required documents including but not limited, to signed marital settlement agreements, current financial documents, parenting plans, etc. shall be filed no less than two business days prior to the hearing if it will be held by telephone or videoconferencing.
3. **Child Support:** The child support calendar shall be suspended during this time with no court appearances. All cases will be adjourned 6 weeks except for cases with a pay or appear order. If the case has a more immediate need, it may be rescheduled earlier than 6 weeks provided the hearing is still after May 1, 2020. The next pay or appear court date that will be held is on June 2, 2020, as there will be no pay or appear calendar on May 5, 2020 either.
4. **Emergency Orders:** Emergency orders to enforce placement or custody or to relocate may be heard in person if telephone or videoconferencing is unavailable despite best efforts.
5. **Other Hearings:** Hearings that are non-evidentiary can be conducted by telephone or videoconferencing. All others will be rescheduled unless it can be conducted by telephone or videoconferencing.
6. **Temporary Hearings with Family Court Commissioner:** Temporary hearings will be held by telephone. If the hearing cannot be held by telephone it will be rescheduled.
7. **Mediations:** All mediations scheduled prior to May 1, 2020, will be rescheduled.

COMMITMENTS, GUARDIANSHIPS AND PROTECTIVE PLACEMENTS

1. **WATTS Reviews:** WATTS reviews will be adjourned until after May 1, 2020. 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.
2. **Video and Teleconference:** Hearings for mental commitments, guardianships and protective placements will be held by telephone or videoconferencing 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 may be suspended or conducted by telephone or videoconferencing in the discretion of the specific court.
2. **Coordination/supervision:** Monitoring of offenders will continue to take place with a strong preference for phone contacts.
3. **Team meetings:** The team will continue to meet to consider participant progress and potential sanctions. The team will meet and discuss cases by telephone, videoconferencing or group messaging.
4. **Testing:** Testing of participants will take place only as deemed appropriate by the team.

GENERALLY, **ALL JURY TRIALS** SCHEDULED PRIOR TO MAY 22, 2020, WILL BE RESCHEDULED. 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 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 PHONE APPEARANCES MUST BE REQUESTED OF THE SPECIFIC BRANCH ASSIGNED TO THE CASE BY THE PERSON REQUESTING TO APPEAR BY PHONE. PHONE APPEARANCES SHALL BE LIBERALLY GRANTED WITH THE PARTY OR ATTORNEY CALLING THE COURT OR ARRANGING FOR A CONFERENCE CALL. CONTACTING THE SPECIFIC BRANCH IS REQUIRED TO ASSURE THAT THE HEARING CAN BE COMPLETED AND THAT ARRANGEMENTS ARE MADE FOR ALL PARTIES TO APPEAR.

Dated this 24th day of March, 2020

Todd L. Ziegler
Todd L. Ziegler
Circuit Court Judge
Branch 1

Mark L. Goodman
Mark L. Goodman
Circuit Court Judge
Branch 2

Richard A. Radcliffe
Richard A. Radcliffe
Circuit Court Judge
Branch 3