

Dated at Waukesha, Wisconsin this 8th day of May, 2020.

BY THE COURT:



Jennifer R. Dorow
Chief Judge
3rd Judicial District

STATE OF WISCONSIN

CIRCUIT COURT

20-SO-06 (67) B
WAUKESHA COUNTY

**SECOND AMENDED ORDER REGARDING
EMERGENCY TEMPORARY MEASURES**

The Waukesha County Circuit Court issued the attached guidelines to provide procedures and directions for proceedings and essential functions in the Court held over the last several weeks. These Guidelines are Emergency and Temporary Measures are set to expire on May 10, 2020. At this time, it is necessary to continue these temporary measures until further order of the court to maintain continuity in the operations of the Court. The Waukesha County courthouse remains open and any change in status will be noticed on the Waukesha County Circuit Court website at <http://circuitcourts.waukeshacounty.gov> and the Wisconsin Court system website, www.wicourts.gov

The World Health Organization declared a global pandemic of COVID-19 due to widespread human infection worldwide, and Governor Evers and Waukesha County Executive Paul Farrow have declared a public health emergency. We are monitoring this situation and are committed to open access to our courts and service to the public, and to protect the health and

safety of the litigants, judges, court staff and security, attorneys, jurors, other participants in court proceedings, and all other persons in the court facilities.

These guidelines are in place to ensure the continuous performance of the court's essential functions and operations and yet seek to mitigate the risk that our employees, lawyers, litigants, and jurors will be exposed. The guidelines incorporate use of videoconferencing and teleconferencing to minimize contact, when appropriate; follow social distancing practices; and temporarily suspend some non-essential court functions. These guidelines and Order are adopted by the Judiciary of Waukesha County after meeting and consultation, with a full understanding of the Court's duty to public in all matters.

Cases will proceed as currently scheduled unless otherwise notified by the Court. Please note that injunction hearings, criminal preliminary hearings, and mental commitment hearings should be presumed to be proceeding as originally scheduled UNLESS the parties have specifically been informed otherwise by the Court.

For more information on any specific case, please call the Branch office to which the case is assigned. A link to the Branch offices can be found at:

<https://www.waukeshacounty.gov/courtofficialdirectory>

For information related to jury service please call the juror coordinator at (262) 548-7504.

The contact information can be found at:

<https://www.waukeshacounty.gov/juryervices>

TEMPORARY AND EMERGENCY GUIDELINES FOR PROCEEDINGS ASSIGNED TO JUVENILE BRANCHES

1. Initial Custody and Plea hearings before Circuit Court Commissioners (“CCC”) shall be conducted by video or phone when available from Detention if a youth is housed in Detention or at Shelter. All other youths shall appear at the juvenile center, with telephone appearances allowed at the discretion of the circuit court commissioner. Attorneys and Social Workers should contact the circuit court commissioner for permission to appear by telephone.

2. Emergency custody and Plea hearings in CHIPS cases will be handled the same as paragraph 1, above.

3. Custody reviews will be done case-by-case at the CCC discretion for scheduling, location and phone appearances.

4. Hearings before a judge for a plea or disposition are at the discretion of the judge. Please contact the individual branch for direction as to the branch policy. The court will find good cause if it decides to set over the matter.

5. Revisions of disposition orders may be by telephone appearances, unless the youth is in Detention or at Shelter Home and then they will appear by video or phone with their attorney. Others can be by phone.

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 period.

7. Hearings for changes in placement will be set over unless the court directs otherwise. Telephone appearances may be granted.

8. Hearings for sanctions will be set over, unless the judge directs otherwise. Telephone appearances may be granted.

9. Permanency hearings will remain with the court and will be done by telephone appearances as directed by the court.

10. Jury trials in TPR cases will be at the discretion of the judge. Please contact the individual branch for direction as to the branch policy. The court will find good cause if it decides to set over the matter.

11. Court trials will be set over unless otherwise ordered by the court.

**TEMPORARY AND EMERGENCY GUIDELINES FOR
PROCEEDINGS FOR CIVIL, SMALL CLAIMS AND FAMILY CASES**

1. All contested matters requiring in-person appearances including jury trials, civil court trials, small claims, contested custody and placement hearings, and any hearing where evidence will be taken by other than telephonic means (including all de novo hearings) are suspended. Clerks in individual branches will schedule these proceedings as the Court's calendar permits. Contact the individual branch for direction if parties wish to have evidentiary hearings by phone.
2. Any hearing that can be done by phone will proceed as scheduled, including but not limited to stipulated divorces, name changes, scheduling conferences, status conferences, and motion hearings. Some branches will allow name changes and stipulated divorces to be done in-person; check with the branch for their individual policies. For those branches that intend to do name changes and stipulated divorces by phone:
 - a. Name changes: Notices of publication should be on file with the Court at or before the date of the hearing on the name change.
 - b. Stipulated divorces: Stipulated divorces can 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 date and time. 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 that branch directly for guidance.
4. Contact Family Court Services at (262) 548-7900 for information regarding rescheduling appointments. Parent Education sessions are canceled during the duration of this Order.
5. All Small Claims Mediations are canceled during the duration of this Order.

TEMPORARY AND EMERGENCY GUIDELINES FOR PROCEEDINGS FOR CRIMINAL CASES

This coronavirus health situation constitutes good cause for all proceedings involving out-of-custody defendants to be rescheduled until after April 12, 2020, or held by telephone or video-conference. Individual branches will be contacting case parties if proceedings will be rescheduled or handled by phone or in writing. **If not rescheduled or advised of an alternative appearance mode, parties are required to appear 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 criminal proceedings, including:

- Initial appearances
- Preliminary hearings/status conferences
- Arraignments
- Final pretrial conferences
- Bail/bond hearings
- Motion or other hearings
- Plea hearings
- Status conferences before trial
- Trials
- Sentencing hearings
- Restitution hearings

Proceedings involving in-custody defendants, who are in custody solely on a Waukesha County case, will presumptively proceed as timely scheduled. However, each judge has discretion to deviate from this guideline as deemed appropriate, and each party may request a specific hearing for a ruling on the case schedule.

Individual branches will be contacting case parties if proceedings will be rescheduled or handled by phone or in writing. **If not rescheduled or advised of an alternative appearance mode, parties are required to appear for their proceedings as scheduled.**

**TEMPORARY AND EMERGENCY GUIDELINES FOR
PROCEEDINGS FOR CIRCUIT COURT COMMISSIONERS**

1. For juvenile matters, please refer to the guidelines above.
2. For Family and Paternity Cases, only cases that can be handled by phone or video will proceed. No personal appearances will be allowed. For all cases that can not be possible by phone/video, they will be rescheduled. Parties are to contact the Family Division at (262) 548-7544 with a telephone number.
3. Mental Commitment and Guardianship Hearings will be by video or phone. Parties are to contact the Juvenile/Probate Office with a telephone number. For Chapter 51 matters (Emergency Detentions), parties are to contact (262) 548-7458. For Chapter 54 and 55 (Guardianship) matters, parties are to contact (262) 548-7468.
4. For criminal matters, please refer to the guidelines above.
5. Bench warrant hearings will be held on an individual basis.
6. Traffic matters will be rescheduled.