

64.33 Polk County Circuit Court

Order Regarding Emergency Temporary Measures

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 17th, 2020 through June 1st, 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 13th, 2020 Governor Tony Evers declared a public health emergency in Wisconsin. On March 24th, 2020 Emergency Order #12, Safer at Home Order was signed in the State of Wisconsin. (This order can be found at: <https://evers.wi.gov/Documents/COVID19/EMO12-SaferAtHome.pdf>).

On March 22nd, 2020 the Wisconsin Supreme Court issued three orders concerning the Courts in the State of Wisconsin. In pertinent part the Supreme Court ordered the following:

1. "...that although the courts of the State of Wisconsin remain open, effective immediately through and including May 22, 2020, all civil and criminal jury trials scheduled to begin before May 22, 2020, are continued and will be rescheduled by the presiding judge to a date after May 22, 2020.";
2. "...that circuit courts or parties may file a motion with this court seeking an exception to this order. Any such motion should be identified as an "EMERGENCY" motion on its face, and shall be filed as soon as possible.";
3. "...that the courts of the State of Wisconsin remain open. Nevertheless, all in-person proceedings in all appellate and circuit courts are hereby

- suspended through Thursday, April 30, 2020. This suspension may be extended or modified by court order as circumstances may warrant;
4. "All judges, court commissioners and court clerks are required to utilize available technologies - including e-mail, teleconferencing, and video conferencing in lieu of in-person courtroom appearances.";
 5. "The suspension of in-person proceedings is subject to the following exceptions if remote technology is not practicable or adequate to address these matters:
 - Jury trials, which will be addressed by separate order.
 - Proceedings necessary to protect the constitutional rights of criminal defendants and juveniles.
 - Proceedings involving in-custody defendants, who are not being held on any basis other than the case-at-bar, which will presumptively proceed as timely scheduled.
 - Other exceptions approved by the Chief Judge of the Judicial District, the Chief Judge of the Court of Appeals, or the Chief Justice of the Wisconsin Supreme Court, for the respective Proceeding, as applicable.
 - The Supreme Court oral arguments scheduled on April 20, 2020."
(The Supreme Court Orders can be found at:
<https://www.wicourts.gov/news/docs/jurytrials.pdf>
<https://www.wicourts.gov/news/docs/remotehearings.pdf>
<https://www.wicourts.gov/news/docs/oralargs.pdf>)

On March 23rd, 2020 10th Judicial District Chief Judge Boyle provided additional guidance regarding scheduled Court activities as follows:

1. Each Circuit Court Judge and Court Commissioner should try to use the ZOOM, other video conferencing technology or telephonic means to conduct all hearings until April 30, 2020. This includes taking testimony via ZOOM, via other video conference technology or telephonically.
2. If Video or Teleconferencing is unavailable despite best efforts, the following hearings which impact constitutional rights may be heard in person.

- a. CRIMINAL
 - i. Bail/Bond Hearings and initial appearances for in custody defendants
 - ii. Preliminary Hearings for in custody defendants
 - iii. Any hearing for which the person is in custody only based on the case at bar.
 - iv. Plea and Sentencings of individuals in custody.
 - b. CIVIL
 - i. Emergency writs for Mandamus, Habeas Corpus, Certiorari, or injunctive relief.
 - ii. Restraining orders (Harassment, DV, Child Abuse or Individual at Risk)
 - c. GUARDIANSHIP/ME/PROBATE
 - i. Temporary and Full Petitions for Guardianship and protective placement
 - ii. ME hearings (initial and final)
 - d. FAMILY
 - i. Emergency orders to enforce placement or custody, or to relocate
 - e. JUVENILE
 - i. Temporary Physical custody request in Chapters 48 and 938
3. Any other exceptions, should be requested either by emailing or calling me. (Judge Boyle)

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.

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

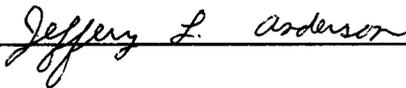
Branch 1: 715-485-9293

Branch 2: 715-485-9233

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

THIS ORDER SUPERCEEDS ANY PREVIOUS ORDERS OF THE COURT

Dated this 24th day of March, 2020



Hon. Jeffery L. Anderson



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. 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, 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 subject to Supreme Court order. 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. Small claims matters will continue as follows:

If a return requires an in person appearance, the appearance will be converted to a telephonic appearance/return and the return will be heard by the Circuit Court Commissioner. All mediation conferences will proceed by telephone until further order of the Court. Trials will be scheduled commencing after June 1st, 2020.

Further, due to the COVID – 19 Health Emergency declared by the Courts, good cause is found pursuant to Wis. Stat. § 799.27(2) to delay all evictions other than those related to tenant actions that imminently threaten the health or safety of others or unless the moving party shows by substantial evidence that the harm to the moving party outweighs the public interest of safety until May 4th 2020 or until further order of the Court.

3. 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 changes 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.

4. Stipulated divorces may be done telephonically if current financial disclosure statements and marital settlement agreements are filed at least forth-eight (48) hours in advance of the hearing. In the case of an absent spouse, please contact the appropriate branch for direction.
5. 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.
6. 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.
7. Non-criminal traffic matters, including OWI 1st offenses, will be rescheduled as necessary.
8. For any hearing set before the Court Commission, alternate methods of appearance such as video conference or phone appearances will be allowed. 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 10th, 2020. The Wisconsin Supreme Court Orders filed March 22nd, 2020 constitute good cause for all proceedings involving out of custody defendants to be rescheduled until after April 30th, 2020 for all hearings except for Jury Trials which are suspended until after May 22nd, 2020. Whenever possible, status conferences, pretrial conferences, scheduling conferences, and oral rulings will continue to 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.

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 between March 17th and June 1st, 2020 will be converted to telephonic scheduling conferences. If a case set for Jury Trial between March 17th and June 1st, 2020 settles, a plea hearing will be scheduled.