

# PIERCE COUNTY CIRCUIT COURT ORDER REGARDING EMERGENCY TEMPORARY MEASURES

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The Pierce 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” effective from March 18 through April 17, 2020, or upon further Order of the Court.** The Pierce County Courthouse remains open and any change in status will be noticed on the Pierce County website (<https://www.co.pierce.wi.us>), the Wisconsin Court system website (<https://www.wicourts.gov>), and the Pierce County Clerk of Court Facebook page (<https://www.facebook.com/pierceclerkcourtwi>)

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. We 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 comply with the Order issued by Honorable Robert VanDeHey, Chief Judge of the Seventh District (See attached Order). These guidelines are intended to ensure the continuous performance of the Court’s essential functions and operation 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.

We would like to encourage the public to pay fines via mail, online, or via phone. [www.GovPayNow.com](http://www.GovPayNow.com) PLC (Pay Location Code) 4033. We also encourage the public to become familiar with efiling, available for most cases. <https://www.wicourts.gov/ecourts>

## **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 or in-person. Attorneys and social workers should contact the Court for permission to appear by telephone. Anyone who plans to appear by telephone should contact the Juvenile Clerk for information not less than two hours before the scheduled hearing.
2. Emergency custody and plea hearings in CHIPS cases will be handled as referenced above.
3. Custody/placement reviews will be conducted on a case-by-base 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 shall 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. Conference calls may be set up, contact the Juvenile Clerk/RIP for direction.
6. Requests for extension of dispositional 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 shall 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 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 IN CIVIL, SMALL CLAIMS, GUARDIANSHIP, MENTAL COMMITMENT, AND FAMILY CASES**

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 by telephonic/video conferencing means (including all de novo hearings) are suspended. The Judicial Assistant, Clerk of Court or Register in Probate will schedule these proceedings as the Court's calendar permits. Contact the Judicial Assistant, Clerk of Court or Register in Probate for direction if parties wish to have evidentiary hearings by telephone.

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, name changes, scheduling conferences, status conferences and motion hearings.

The Court may allow name changes and stipulated divorces to be conducted telephonically IF:

Name Change: Notices of publications should be on file with the Clerk of Court at least 24 hours before the date of the hearing.

Stipulated (Default) Divorce: Current financial disclosure statements, marital settlement agreements and findings of fact are filed at least twenty-four (24) hours in advance of the hearing. In the case of an absent spouse, please contact the Judicial Assistant or Clerk of Court for direction.

**These are guidelines only. If any party or attorney has questions regarding scheduling they should contact the Judicial Assistant, Clerk of Court or Register in Probate for guidance.**

Mental commitments and guardianship hearings, if possible, will be conducted by telephone/videoconferencing/alternate means of communication. Parties and attorneys are to contact the Register in Probate office for directive regarding an alternative appearance.

Monday non-criminal traffic matters, including Operating While Intoxicated 1<sup>st</sup> offenses will be conducted via phone. Defendants are to call in to 715-273-6741 for their appearance or they will be defaulted. \*PLEASE NOTE THAT IF YOUR APPEARANCE DOES NOT STATE "MANDATORY" ON THE CITATION YOU CAN SUBMIT A WRITTEN "NOT GUILTY" PLEA in lieu of appearance. You may mail or fax this to the Clerk of Court (PO Box 129, Ellsworth, WI 54011. 715-273-6855).

For proceedings before the Family Court Commissioner/Court Commissioner, only cases that can be conducted by telephone/videoconferencing or alternative means of communication will proceed. No personal appearances will be allowed. All cases that cannot be conducted by an alternative appearance mode will be rescheduled. Parties and attorneys are to contact the Judicial Assistant to reschedule. **This does not include injunction hearings heard by the Court Commissioner. Those matters will be heard as scheduled and will require an in-person appearance.**

## TEMPORARY AND EMERGENCY GUIDELINES FOR PROCEEDINGS IN 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 April 17, 2020, or held by telephone/videoconferencing/or alternative means of communication. The Judicial Assistant or Clerk of Court office will be contacting case parties if proceedings will be reschedule or handled by telephone/videoconferencing/or alternative means of communication. **If not rescheduled or advised of an alternative appearance mode, parties are REQUIRED to appear in person for their proceedings as scheduled.** Courtroom decorum may be relaxed to allow for personal distancing.

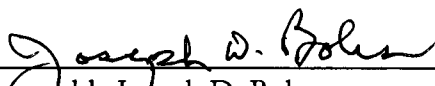
The Court has discretion to deviate from these guidelines as deemed appropriate and any party may request a hearing to determine the mode and schedule for any proceeding. These guidelines apply to all out-of-custody criminal proceedings, including:

- Initial Appearances
- Preliminary Hearings
- Arraignments
- Final Pre-Trial 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, the Court has discretion to deviate from this guideline as deemed appropriate and any party may request a hearing for a ruling on the case scheduled. Unless mandated by statute or case law, said proceedings will be conducted by videoconferencing.

Pre-Trial Conferences with the Court Commissioner will be held via phone. If both the attorney and defendant wish to appear via phone the attorney should facilitate a conference call to the Court. If a pro se Defendant does not call in for appearance they will be defaulted or a warrant will be issued.

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

  
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Honorable Joseph D. Boles  
Pierce County Circuit Court Judge

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**ORDER IN THE MATTER  
OF RESPONSE TO COVID-19**

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Pursuant to Wisconsin Supreme Court Rules 70.19, 70.20, and 70.34, this court hereby issues the following order as it relates to circuit courts in the Seventh Judicial District responding to the COVID-19 virus:

Preserving access to our courts is fundamental to society and the rule of law. Judges must remain responsive to the rights of individuals to have their cases heard, as well as be cognizant of the health risks to defendants, litigants, attorneys, witnesses, jurors, court staff, and the general public.

Given the extraordinary effects of the COVID-19 virus, including the impact of school closures throughout Wisconsin, it is therefore ordered that judges in the Seventh Judicial District shall consider the following when making determinations about how to continue to conduct business in their courts:

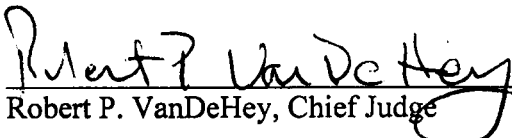
- Rescheduling jury trials whenever possible and postponing jurors to later dates of service
- Liberally granting and encouraging adjournments to later dates that do not conflict with statutory timelines
- Suspending treatment court dates
- Encouraging the use of appearances by phone or video whenever possible and lawful
- Using “social distancing” practices
- Reducing the congregation of large groups of people, particularly high volume calendars
- Developing and updating county-wide court standards or practices whenever possible to continue to address the ongoing issues created by COVID-19

It is further ordered that the District Court Administrator will forward other counties’ local court orders related to COVID-19, as he receives them, to all the circuit court judges within the Seventh Judicial District to facilitate information sharing.

It is also ordered that counties in the Seventh Judicial District share any local court orders or plans related to COVID-19 with the District Court Administrator so that they can be posted on [www.wicourts.gov](http://www.wicourts.gov). These should also be posted by the Clerks of Court on the local county website.

This order shall remain in effect until rescinded or amended.

DATED: March 16, 2020

  
Robert P. VanDeHey, Chief Judge