STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

CHIEF JUDGE DIRECTIVE 20-06 REGARDING EMERGENCY TEMPORARY MEASURES

On March 22, 2020, the Wisconsin Supreme Court issued two Administrative Orders, one postponing all civil and criminal jury trials through May 22, 2020, and the second suspending most in-person proceedings and provides that, subject to certain exceptions, all proceedings in the courts of this state are to be conducted via remote audio-video technology if practicable. The Milwaukee County Circuit Court issues the attached procedures and directions. **These Emergency and Temporary Measures issued herein are ONLY effective from March 23, 2020 until May 15, 2020, or upon further Order of the Court.** The Milwaukee County courthouse remains open, although its operations are extremely limited, and any change in status will be noticed on the Milwaukee County Circuit Court website at https://county.milwaukee.gov/EN/Courts 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, Milwaukee County and the City of Milwaukee have declared a public health emergency. Today—March 23, 2020—Wisconsin Governor Tony Evers announced that tomorrow he will sign a "Safer at Home" order, requiring Wisconsin residents to stay at home unless they have essential business to attend to. We are committed to open access to our courts and service to the public, but also believe we are obligated 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.

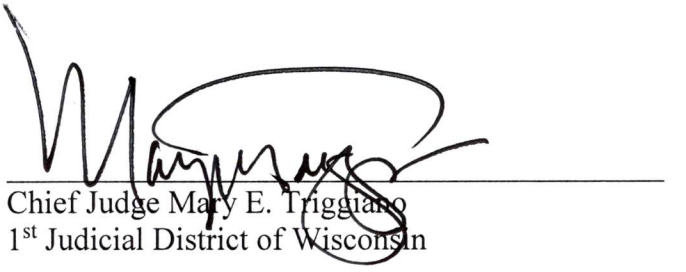
These guidelines are in place to ensure the continuous performance of the court's essential functions and operations and yet seek to mitigate the exposure and further spread of the virus. The guidelines incorporate use of teleconferencing to minimize contact, when appropriate; follow social distancing practices; 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.

A link to Branch contact information can be found at https://county.milwaukee.gov/EN/Courts/Chief-Judge/List-of-Court-Officials

For information related to jury service please call Jury Management. The contact information can be found at https://county.milwaukee.gov/EN/Courts/Jury-Duty

Dated this 23rd day of March, 2020.



Chief Judge Mary E. Triggiano
1st Judicial District of Wisconsin

NO JURY TRIALS WILL BE CONDUCTED BETWEEN NOW AND MAY 22, 2020 OR UNTIL FURTHER ORDER OF THE COURT

SECOND TEMPORARY AND EMERGENCY GUIDELINES FOR PROCEEDINGS FOR CHILDREN'S COURT CASES

1. All in-person proceedings are suspended through May 15, 2020 and all jury trials that are scheduled to begin before May 22, 2020, are continued and will be rescheduled after May 22, 2020. Furthermore, all court trials and waiver hearings currently scheduled through May 15, 2020, shall be adjourned on the record and all applicable time limits shall be tolled. The matters will be reset for status hearing after May 15, 2020.

2. All other cases currently on the court calendar will proceed remotely via teleconferencing on the day and time as scheduled unless parties are notified otherwise. The courts should utilize available technologies in lieu of in person proceedings.

3. The following procedures shall apply to all hearings that need to be conducted at the VPYFJC:

   A) Court participation shall be limited to the following parties who shall be permitted to appear by phone: Assistant District Attorney, GAL, attorney for parent and/or child, parent(s) and/or guardians, child, placement, representative of the Division of Milwaukee Child Protective Services (DMCPS) and/or Division of Youth and Family Services (DYFS), CASA, victims and victim-witness advocate.

   B) Courts shall accept verbal or written consent to act obtained by an attorney on behalf of their respective client(s).

   C) Courts shall be mindful of the current Public Health Emergency in issuing and/or issuing and staying capiases, bench warrants, and default judgments.

4. Cases involving emergency or special circumstances shall be brought to the attention of the court and will be handled at the discretion of the individual judge considering the needs of the case, the needs of the parties, and the interest of the public.

SECOND TEMPORARY AND EMERGENCY GUIDELINES FOR PROCEEDINGS FOR CIVIL, PROBATE & SMALL CLAIMS CASES

Large Claim Civil and Probate

1. All matters requiring in-person appearances including court trials, or other contested or potentially contested hearings where evidence will be taken by other than telephonic means or foreclosure motions are suspended through May 15, 2020, or until further Order of the Court. Any such matters currently set for a date on or prior to May 15, 2020, will be rescheduled by the Clerk for either a status/scheduling conference or an alternative hearing date, at the discretion of the Judge assigned to such matter.

2. Between now and May 15, 2020, or until further Order of the Court, 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; duty judge matters, including but not limited to requests for amendments to birth, marriage and death certificates, shall be submitted in writing, either via e-filing or mail. However, any matter may be rescheduled at the discretion of the Judge assigned to such matter if the Judge believes that an in-person appearance should be required.

3. In-person appearances will be permitted only for emergency matters, such as Judicial Review of Domestic Abuse or Harassment Restraining Orders, Firearm Surrender Hearings and Requests for Stay of Writs of Restitution/Assistance. Any emergency matter may be conducted via telephone or video, at the discretion of the Judge hearing such matter.

4. No one may appear in person for other hearings between now and May 15, 2020, or until further Order of the Court, without the express advance approval of the Judge assigned to such matter.

Small Claims

1. All small claims appearances are suspended through May 15, 2020, or until further Order of the Court. Any such matters currently set for a date on or prior to May 15, 2020, will be rescheduled by the Clerk via written notice.

2. No one may appear in person for hearings between now and May 15, 2020, or until further Order of the Court, unless it is an emergency matter, without the express advance approval of the Judge or Court Officer assigned to such matter; it is expected that this will be limited to such things as Requests for Stay of Writs of Restitution. Any emergency matter may be conducted via telephone or video, at the discretion of the Judge hearing such matter.

Civil Judge On-Call

1. Upon the Order of the Chief Judge, it may become necessary for judges, clerks and/or court reporters to appear via telephone or video for hearings during the period covered by these temporary and emergency guidelines. This is acceptable under these special circumstances.

2. The Chief Judge or her designee shall establish a rotating schedule where at least one judge shall be the Civil Judge(s) On-Call each business day while these temporary and emergency guidelines are in effect to handle emergency Civil and Probate emergency matters either in-person or via telephone or video as necessary. This will temporarily supersede/replace the Daytime Duty Judge Schedule utilized by the Civil/Family Divisions; the Family Division will also be designating a Family Judge On-Call each business day during this period as well who will coordinate efforts with the Civil Judge(s) On-Call.

Weddings

1. All Courthouse weddings are canceled through May 15, 2020, or until further Order of the Court. Any wedding party unable to make alternative wedding arrangements should contact the Milwaukee County Clerk's Office at 414-278-4067 for either an extension of the time to marry under their existing license or a refund of the officiant fee which they paid for a wedding at the Courthouse.

Guardianship/Protective Placement and Mental Commitment Hearings

1. Mental Commitments Hearings – Probable Cause Hearings shall be via telephone conference between now and May 15, 2020 or until further Order of the Court as follows:
    a. Probable Cause Hearings will be held on Mondays, Tuesdays and Thursdays

b. Final and Extension hearings shall take place via telephone conference hearings on Fridays where no in person testimony will occur.

2. Watts Hearings are suspended through May 15, 2020 or until further Order of the Court. Any such matters currently set for a date prior to this order and until May 15, 2020 will be rescheduled by the Clerk.

3. Guardianships and Protective Placements pending hearings and new filings are suspended through May 15, 2020 or until Order of the Court, unless it is an emergency matter and with the express advance approval of the Judge or Court Officer assigned to the matter. To obtain an express advance approval, call 278-4516 for new matters and the assigned Court Official's Clerk for mattes with pending Court dates.

4. Individual At Risk Injunctions – All petitions for Individual at Risk temporary injunctions and final injunctions shall be heard as scheduled by the assigned Judges Court Clerk whether in person or by telephone conference.

SECOND TEMPORARY AND EMERGENCY GUIDELINES FOR PROCEEDINGS FOR FAMILY CASES

1. All contested matters requiring in-person appearance including court trials, contested custody and placement hearings, any hearing where evidence will be taken by other than telephonic means and all mediation matters are suspended through May 15, 2020, or until further Order of the Court. Clerks in individual branches will schedule these proceedings as the Court's calendar permits.

2. All petitions for Domestic Violence Injunctions, Child Abuse Injunctions, Harassment Injunctions and Temporary Restraining Orders shall be heard as scheduled in person or by telephone or video.

3. All stipulated divorces shall be adjourned through May 15, 2020, or until further Order of this Court. The courts will grant divorces upon stipulation and affidavit, if both parties are in agreement and are represented by counsel. The Family Division is currently exploring options for conducting at least some stipulated divorces via telephone or video (with the possible use of a specialized affidavit) during this period; this will be left to the discretion of the Judge.

4. The Sojourner Family Peace Center Restraining Order Clinic on the 7th floor of the Courthouse is transitioning its services to phone support and efiling of requests for temporary restraining orders. Please call 414-278-5079 for more information or Sojourner's 24 hour hot-line at 414-933-2722.)

Family Judge and Court Commissioner On-Call

1. Upon the Order of the Chief Judge, it may become necessary for judges, court commissioners, clerks and/or court reporters to appear via telephone or video for hearings during the period covered by these temporary and emergency guidelines. This is acceptable under these special circumstances.

2. The Chief Judge or her designee shall establish a rotating schedule where at least one judge and one family court commissioner shall be the Family Judge and Court Commissioner On-Call each business day while these temporary and emergency guidelines are in effect to handle emergency Family emergency matters either in-person or via telephone or video as necessary. This will temporarily supersede/replace the Daytime Duty Judge Schedule utilized by the Civil/Family Divisions; the Civil Division will also be designating a Civil Judge On-Call each business day during this period as well who will coordinate efforts with the Family Judge(s) On-Call.

SECOND TEMPORARY AND EMERGENCY GUIDELINES FOR PROCEEDINGS FOR CRIMINAL CASES

1. Effective March 23, 2020, the 14 Felony, 7 Misdemeanor, In-Custody Intake and Preliminary Hearing Courtrooms and their court calendars shall be consolidated into three courtrooms in the Criminal Justice Facility (CJF). Felony, Misdemeanor and contested in custody Preliminary hearings will be heard by Judges in two courtrooms, G55A-CJF and the Preliminary hearing courtroom, 146A-CJF. Initial appearances and waived preliminary hearings will be combined and heard in the In-Custody Intake courtroom, 137A-CJF, and these cases will continue to be heard by Court Commissioners. The Chief Judge will designated the judicial officers that will preside in these three courts. The Consolidated Court will operate March 23, 2020 through May 15, 2020, or until further order of the Court.

2. All matters requiring in-person appearances including jury trials, court trials, or other contested or potentially contested hearings where evidence will be taken by other than telephonic or video conferencing means are suspended through May 15, 2020, or until further Order of the Court. Any such matters currently set for a date on or prior to May 15, 2020, will be rescheduled by the Clerk for either a status/scheduling conference or an alternative hearing date, at the discretion of the Judge assigned to such matter.

3. Between now and May 15, 2020, or until further Order of the Court, any non-evidentiary hearing that can be done by telephone or video conference will proceed as scheduled, including but not limited to scheduling conferences, status conferences, pretrial conferences, motion hearings and oral decisions. However, any matter may be rescheduled at the discretion if the Judge assigned to such matter if the Judge believes that an in-person appearance should be required.

4. All proceedings involving out-of-custody defendants are canceled through May 15, 2020, or until further Order of the Court. Proceedings may be heard by telephone or video conference if practical. Cases involving out-of-custody defendants should be adjourned until on or after June 1, 2020.

5. All non-jury trial proceedings involving in-custody defendant, who are not being held on any basis other than the case-at-bar, will presumptively proceed as timely scheduled. However, each judge has the discretion to deviate from this guideline as deemed appropriate.

6. All Orders-to-Produce for inmates in the Wisconsin State Prison System are canceled through May 15, 2020, or until further order of this court. No new Orders-to-Produce will be issued until after May 15, 2020, or until further order of the Court.

7. Out-of-Custody Intake Court (221-Safety Building) is closed through May 15, 2020, or until further Order of this Court.

8. Individuals who post bail or are released from the jail and ordered into Out-of-Custody Intake Court (221-Safety Building) shall be ordered-in after May 15, 2020.

9. Initial appearances for in-custody defendants shall continue to be heard in room 137A of the Criminal Justice Facility unless otherwise ordered by the Court.

10. All preliminary hearings for out-of-custody defendants shall be adjourned through May 15, 2020. All preliminary hearings for in-custody defendants shall proceed as scheduled.

11. Proceedings scheduled to be conducted via video conferencing shall proceed as scheduled.

12. All bail forfeiture hearings are canceled until further notice of the Court.

13. Courts shall be mindful of the current Public Health Emergency in issuing and/or issuing and staying bench warrants.

14. For all re-scheduled hearings, the Clerk will mail notice of the new hearing date to the parties.

SECOND TEMPORARY AND EMERGENCY GUIDELINES FOR FOR PRETRIAL SUPERVISION, EARLY INTERVENTIONS & ADULT DRUG TREATMENT COURT

1. All face-to-face supervision with JusticePoint programs is canceled through May 15, 2020, or until further Order of the Court. Defendants/participants shall be supervised by telephone contact.

2. All Drug Treatment Court (DTC) staffings and hearings are canceled through May 15, 2020, or until further Order of the Court. Face-to-face supervision contacts for all DTC participants are suspended through May 15, 2020, or until further Order of the Court. All DTC participants shall be supervised by telephone contact. DTC participants shall call the Drug Testing Line, 414-223-1926, and if selected for testing, shall report to Wisconsin Community Services at 3732 W. Wisconsin Avenue, Door #3.

3. Except as directed in Paragraph 1, all diversion, deferred prosecution and treatment alternatives and diversions (EI) staffings and hearings are canceled until after May 15, 2020, or until further Order of the Court. Face-to-face supervision contacts for all EI participants are suspended through May 15, 2020, or until further Order of the Court. All EI participants shall be supervised by telephone contact. Drug testing and PBTs for all EI participants under JusticePoint supervision is suspended through May 15, 2020, or until further Order of the Court.

4. Except as directed in Paragraph 1, face-to-face supervision contacts for defendants under JusticePoint supervision are suspended through May 15, 2020, or until further Order of the Court. All defendants under JusticePoint supervision shall be supervised by telephone contact.

5. Except as directed in Paragraph 1, drug testing and PBTs for all defendants under JusticePoint supervision is suspended through May 15, 2020, or until further Order of the Court.

6. All Veteran's Treatment Court and Mental Health Treatment Court staffings and hearings are canceled through May 15, 2020, or until further Order of the Court.

7. Individuals monitored by Secure Continuous Remote Alcohol Monitoring (SCRAM) who have not established the ability to download SCRAM device information remotely shall continue to report only for the purpose of downloading SCRAM device information.