**Chapter 51 Hearings**

**COVID-19 Operating Policies and Procedures**

**Applicable 03/16/2020 through 05/15/2020**

**All Individuals are advised to avoid in-person appearances at the Behavioral Health Division (BHD) and are encouraged to appear and participate in hearings telephonically when necessary. Any individual seeking guidance on participating in a hearing telephonically shall contact the Court at 414-257-7931 (BHD Courtroom).**

Essential Staff

**Cases Requiring a Hearing between 03/23/2020 and 05/15/2020**

“In response to the declared state health emergency related to COVID – 19, emergency and temporary measures have been put into place effective March 16, 2020 until May 15, 2020 per the directive of Chief Judge Triggiano signed March 23, 2020. Based on these measures, the court finds that there has been a showing of good cause to conduct all hearings telephonically or via video conference.

* It shall be the responsibility of the Clerk of Circuit Court to notify all litigants of this policy and procedures.
* ONLY ONE PERSON WILL BE PHYSICALLY PRESENT IN THE COURTROOM AND THAT PERSON SHALL BE THE DEPTY COURT CLERK.

**Procedures Applicable to Chapter 51 Hearings (Probable Cause, Final and Extension Hearings):**

Attorney – Interactions (Prior to the Actual Hearing)

* If a professional visit is required between the defense attorney and their client it will be allowed on the units in an area away from non-essential parties, monitored by the nursing staff.
* Attorneys shall conduct any interactions with their clients via phone when at all possible.
	+ Attorneys shall call the following unit numbers:
1. (414) 257-7260 – PCS
2. (414) 257-4706 or (414) 257-7217 – 43A
3. (414) 257-4771 – 53B
4. (414) 257-4711 – 43B
5. (414) 257-4881 – OBS

to set up the BHD in-patient’s availability for a phone call. Attorneys shall provide the nursing staff with a phone number to contact the attorney at.

* + BHD in-patients shall have access to a phone, away from non-essential parties, while being monitored by the nursing staff.
	+ The nursing staff shall contact the attorney at the number provided to initiate the phone call.
	+ Attorneys shall call the off-site hospital to set up the in-patient’s availability for a phone call. Attorneys shall provide the hospital staff with a phone number to contact the attorney at.
	+ Off-site in-patients shall have access to a phone, away from non-essential parties, while being monitored by the hospital staff.
	+ The hospital staff shall contact the attorney at the number provided to initiate the phone call.
	+ Attorneys shall call the group home/social worker to set up the out-patient’s availability for a phone call. Attorneys shall provide the group home/social worker with a phone number to contact the attorney at.
	+ Out-patients shall have access to a phone, away from non-essential parties.
	+ The group home/social worker shall contact the attorney at the number provided to initiate the phone call

Filing of Petitions/Emergency Detention Reports

* BHD shall be responsible for E-filing all petitions and related documents to the Court.
* Corp Counsel shall be responsible for ensuring that the Public Defender’s office has a court list as well as Emergency Detention Reports for each patient within a reasonable amount of time, prior to the morning of the anticipated probable cause hearing by emailing a copy of these documents to: milwjuveclericals@opd.wi.gov and holtzk@opd.wi.gov.
* The hospital shall make available all of the patient’s medical documentation prior to the hearing so that the attorney is fully aware of his or her client’s needs.

Probable Cause, Final and Extention Hearings

* All parties shall appear via phone, no party will be permitted to enter the court room, unless absolutely necessary (see below).
	+ Both Corp Counsel and the Public Defender shall contact the Clerk via phone, (414) 257-7931, each morning (Monday, Tuesday, Thursday and Friday) to check in for their hearing no later than 8:30 AM.
	+ Parties shall provide the Clerk with a phone number that they can be contacted at that day.
	+ When the case is ready to be called, the Clerk shall call each party via the general BHD number, and provide them with the Telebridge number and Access code for the hearing, then advise them to call into it.
	+ The following parties should stay on the Telebridge line the entire length of the calendar: A) Deputy Court Clerk, B) Judicial Official, C) Corp Counsel and D) Court Liaison.
	+ As each hearing ends, all parties (except those stated above) should hang up unless instructed by the Deputy Court Clerk to remain on the line. The Clerk will then call the next Public Defender when their case is ready and then will call the next case that will be handled in the same manner as the last case.
* BHD In-Patient Appearance Via Phone:
	+ The Court Liaison shall contact the appropriate unit nurse at least 5 minutes prior to the start of the hearing to advise the nursing staff that the case is ready to be called.
	+ The nursing staff shall ensure that the in-patient has access to a phone, away from non-essential parties, while being monitored by the nursing staff.
	+ The nursing staff shall ensure that the in-patient’s phone connects to the Telebridge number.
* Off-Site Hospital In-Patient Appearance Via Phone:
	+ The Clerk shall contact the off-site hospital, at a phone number provided by Corp Counsel, at least 5 minutes prior to the start of the hearing to advise the hospital staff that the case is ready to be called.
	+ The hospital staff shall ensure that the in-patient has access to a phone, away from non-essential parties, while being monitored by the hospital staff.
	+ The hospital staff shall ensure that the in-patient’s phone connects to the Telebridge number.
* Group Home/Social Worker Out-Patient Appearance Via Phone:
	+ The Clerk shall contact the group home/social worker, at a phone number provided by Corp Counsel, at least 5 minutes prior to the start of the hearing to advise the staff/social worker that the case is ready.
	+ The group home/social worker shall ensure that the out-patient has access to a phone, away from non-essential parties.
	+ The group home/social worker shall ensure that the out-patient’s phone connects to the Telebridge number.
	+ **Should an out-patient appear in-person in the BHD Courtroom, the Clerk is to immediately notify their attorney and suspend the proceedings, until the out-patient’s attorney can represent them via phone or in-person (if necessary). A sheriff will be present in the BHD Courtroom every Friday.**
* Witness Appearances:
	+ Corporation Counsel and Public Defenders shall advise their witnesses that appearances at Court hearings will be conducted by phone and that they are encouraged to contact Corporation Counsel/Public Defender the day before the hearing to obtain information on how to participate.
	+ When the case has been called on the record and the parties are connected to the Polycom (the speaker conducting the virtual teleconference), this would be the appropriate time to contact your witness(es). You should patch your witness in on your cell phone using the two-way conference call and then disconnect them after they have finished testifying. **Do NOT give out the Telebridge Number or Access Code to your witness(es).**

**INSTRUCTIONS FOR TWO-WAY TELECONCERENCE**:

The most current (within the last few years) smart phones should be able to “+ Add Call” after you have called into and been admitted into the teleconference call (via the Bridge Number).You should then call your witness and be able to select a “Merge” feature once they have entered into your call. Once testimony is finished, there should be a “Drop” feature to end the witnesses call, while you continue to stay connected on the teleconference. This should alleviate any concerns regarding confidentiality and witness access into the teleconference, without permission.

**TIPS**:

1. Make sure your in-call volume is high enough to hear all parties;
2. Make sure your phones and witnesses phones are properly charged, if not using a landline (perhaps have a charger nearby in the event of a lengthy or multiple hearings);
3. Make sure that you mute your phone when you are not speaking, to alleviate background noise.