**Chapter 54/55 Hearings**

**COVID-19 Operating Policies and Procedures**

**Applicable 03/16/2020 through 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 toll time limits on Chapter 54 Permanent Guardianships and Chapter 55 Protective Placements, and to conduct any hearings set, telephonically or when possible via ZOOM. *Again,* *if the Court finds that there has been a showing of good cause, the Court may toll time limits on Chapter 54 Permanent Guardianships and Chapter 55 Protective Placements. Thereby, temporary guardianships will be extended beyond statutory time limits for good cause shown until the time full due process permanent guardianship hearings can be held.*

* ONLY ONE PERSON WILL BE PHYSICALLY PRESENT IN THE COURTROOM AND THAT PERSON SHALL BE THE DEPUTY COURT CLERK.
* All other individuals must participate telephonically.

**Procedures Applicable to Chapter 54/55 Hearings currently pending (i.e., filed prior to 03/16/2020)**

* Pending cases can only be heard telephonically if the petitioning attorney can get waivers from all interested parties AND the Guardian ad Litem (GAL) has already met with the ward.
* Cases meeting this criteria will not proceed on the scheduled date. The petitioning attorney must call to get a new date for a telephonic hearing.
* Waivers and the GAL report must be uploaded to the case prior to getting a new date. Once they are filed, the petitioning attorney must call 414-278-4516 or email amy.wochos@wicourts.gov to be screened. Once approved for a hearing, the Deputy Register will have a Deputy Court Clerk call the petitioning attorney to set the new date.
* Telephonic hearings will proceed as outlined below.
* All other hearings will be rescheduled once a definitive date for resuming regular court activity has been set. Court staff will contact the petitioning attorney for a new date at that time.
* All hearings with unrepresented petitioners are suspended until they can be rescheduled as outlined above.

**Procedures Applicable to the filing of new Chapter 54/55 petitions**

* Pursuant to the order of the Chief Judge, no new Chapter 54/55 petitions may be filed except with court permission.
* Authorization will generally only be given to petitions for temporary guardianship/emergency protective placement (with or without corresponding petition for permanent guardianship/protective placement) to be heard as outlined below or to petitions filed for the purpose of a transfer pursuant to §55.055.
* Prior to filing, the petitioning attorney must call 414-278-4516 or email amy.wochos@wicourts.gov for approval to file.
* Petitions filed for the purpose of a transfer pursuant §55.055 will be given a hearing date of “to be determined.” Court staff will contact the attorney to set an actual hearing date once a definitive date for resuming regular court activity has been set.
* Certain regular filers may be given blanket permission by the Dep. Register to file petitions filed only for the purpose of a transfer pursuant to §55.055.

**Procedures applicable to hearings on petitions for temporary guardianship/emergency protective placement**

Filing of Petitions

* Prior to E-filing petitions for temporary guardianship/petitions for emergency protective placement, the petitioning attorney shall call or e-mail Dep. Register Amy Wochos, at (414) 278-4516 / Amy.Wochos@wicourts.gov, for permission to file/schedule a hearing.
* The petitioning attorney shall be responsible for E-filing all petitions and related documents to the Court.
* The Deputy Court Clerk shall appoint a GAL and be responsible for ensuring that they have copies of the petition and all related documents.
* If Adversary Counsel is needed under Ch. 55, the petitioning attorney shall contact the Public Defender’s Office, and advise them that they need to appoint an attorney in the matter.
* If Adversary Counsel is needed due to an objection under Ch. 54, the Deputy Court Clerk shall appoint an attorney from the adversary counsel list.
* The GAL, and Adversary Counsel (if needed), shall opt into the case as a Court appointed party.

Attorney – Interactions (Prior to the Actual Hearing)

* If a professional visit is required between the GAL and/or adversary counsel and their proposed ward, they should contact the hospital/facility/home to see if an in-person visit or phone conference will be allowed.
* Attorneys are urged to conduct any interactions with their proposed ward via phone when at all possible.
	+ Attorneys shall call the hospital/facility/home to set up the proposed ward’s availability for a phone call. Attorneys shall provide the staff/household members with a phone number to contact the attorney at.
	+ Proposed wards should have access to a phone, away from non-essential parties.
	+ The attorney should confirm with staff/household members as to who will initiate the call.

 Hearings

* All parties shall appear via phone or via ZOOM when directed by the Judge. No party will be permitted to enter the court room.
	+ At the time of scheduling their hearing, the petitioning attorney shall provide the Clerk with a phone number that they can be contacted on the day/time of that hearing. The GAL and adversary counsel shall contact the clerk at (414) 257-7931, no later than 8:30 on the morning of their hearing to provide their phone numbers.
	+ When the case is ready to be called, the Clerk shall call each party via the general courtroom 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 and B) Judicial Official.
	+ 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 parties when their case is ready and then will call the next case that will be handled in the same manner as the last case.
	+ *If the Judge should determine that the hearing be conducted via ZOOM, the Judges Clerk will schedule the ZOOM hearing which will include the Judges assigned Court Reporter.*

Proposed ward appearance via phone (if not waived)

* + The Clerk shall contact the petitioning attorney at least 5 minutes prior to the start of the hearing to advise him or her that the case is ready to be called.
	+ The petitioning attorney shall then call the hospital/facility/home and ensure that the proposed ward has access to a phone, away from non-essential parties.
	+ The hospital/facility staff or household member shall ensure that the proposed ward’s phone connects to the Telebridge or ZOOM call in number.

Witness Appearances

* + Private attorneys, Corporation Counsel, GALs and Adversary Counsel shall advise their witnesses that appearances at Court hearings will be conducted by phone and that they are encouraged to contact them 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(s). 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(s).**
	+ ***If the Judge determines that the Permanent Hearing shall be conducted by ZOOM, the Judge’s Clerk will send out or post ZOOM invites to all necessary parties including witnesses via e-filing.***

**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.

**INSTRCTUINS FOR ZOOM VIDEO CONFERENCE:**

**Please contact the Judge’s Clerk for information regarding how to connect to a ZOOM video conference.**

**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.