April 10, 2020

Dear Fellow Members of the Bar -

The Family Division in Milwaukee County wanted to update you on our operations during this COVID-19 pandemic. We continue to prioritize the health and safety of our community by staying home and doing what we can remotely. We are grateful to Chief Judge Mary Triggiano for her thoughtful leadership.

We are pleased to report that, as of late last week, all courts are functioning remotely. However, not all hearings will be conducted remotely, and some will be rescheduled as determined by each court. Our clerks are available by telephone and email, and all judges have remote access to their Dashboard to review e-filings and sign orders. All courts have been assigned a Zoom account, and are in the process of learning how to use this tool effectively. Please be patient and understand that the clerks have only recently gotten phones and laptops and are helping administer hundreds of cases. Their phone only has one line; if you get a recorded message, the clerk is on the phone. You may call back, leave a message, or send an email.

We’ve received questions regarding divorces by affidavit; specifically, the notarization of documents during a pandemic and a safer–at–home order. Regarding this issue, please do not have any person to person contact to obtain a notary stamp. The judges will accept documents that comply with the “by oath or affirmation” requirement of §767.315(1). The courts have been made aware of §140.145, (effective 5-1-2020), §706.06, as well as the Emergency Guidance on Remote Authorization issued on March 18, 2020 by the Wisconsin Department of Financial Institutions. We are confident that the members of the bar who wish to avail themselves of this option will be able to submit a sworn document that complies with the statute.

This week the Director of State Courts provided all judges statewide with directions on how to create a YouTube channel and live stream court hearings via Zoom to YouTube. While not explicitly stated, the assumption is that this complies with the open courtroom requirement of §757.14. There is not widespread acceptance of this practice. At this time, the decision to live stream a court proceeding will be on a court by court and case by case basis.

We are available to help you move cases forward. When we are back on 9th Street, we will have a backlog of contested matters to schedule. To the extent that cases can move toward resolution, where appropriate, will help everyone. So please continue to conduct discovery, Zoom mediation, etc. We are here to help and are available to enter pretrial orders. The judges are all willing to be available to discuss the status of a case by telephone or Zoom; please contact the clerk.

The Family Court Commissioner’s Office (FCC) is prepared to conduct support/custody/placement cases telephonically or by Zoom from April 13 through at least May 15, 2020.  We ask that you conference opposing counsel or the opposing pro se party and call Commissioner Berrios at (414) 278-4425 to schedule your hearing.

Please note that all *ex-parte* TRO’s must be e-filed and all injunction hearings in room 712 continue to be held in-person only.

We understand that the safer-at-home order will result in an inability to meet some deadlines. Person to person contact is particularly necessary for a guardian ad litem or a custody study evaluator to conduct an investigation, and we will of course wait until it is safe. Cases are not being administratively dismissed.

We look forward to seeing you on the other side of this pandemic, safe and sound, in court. Thank you for your creativity, your hard work and your patience.

Family Division Judges Carroll, Fiorenza, McAdams, Sosnay and Stark