

10TH JUDICIAL DISTRICT LOCAL COURT RULES (DOUGLAS COUNTY)

Effective Date: 07/01/2025

Part 1: Tenth Judicial District Court Rules:

101: District Rule Adoption and Promulgation. Douglas County Local Court Rules shall be adopted by written Order of all Douglas County Circuit Court Judges, subject to approval of the Chief Judge of the Tenth Judicial District. Each Local Court Rule shall specify an effective date. Once adopted, the Local Rules shall be filed in accordance with Wis. Stat. § 753.35. (Effective date: 06/01/07)

Part 2: Court Practice:

201: Visual and Audio Recording Equipment.
202: Closure of Proceedings.
203: Billings from Court-Appointed Attorneys.
204: Continuances.
205: Court Commissioner.
207: Facsimile/E-Mail Transmission of Documents to the Court.
212: Judicial Assignments.
213: Jury Fees.
214: Rules of Decorum.
216: Telephonic Hearings/Motions.
217: Virtual Proceedings/Video Conferencing.

201: Visual and Audio Recording Equipment.

201(1): Prohibition on Recording Court Proceedings. In addition to the official court reporter, the privilege to photograph, televise and record court proceedings may only be exercised by persons or organizations which are part of the media, upon prior permission by the Court. No other person shall be permitted to use visual or audio recording equipment during a court proceeding. See SCR 61.01, 61.04, 61.09, and 61.12. (Effective date: 06/01/18)

201(2): Recorded Court Proceedings. Still photography, video and/or audio recording is permitted only while the court proceedings are in

progress. No photography, video and/or audio recording is permitted before the proceedings have begun, after the proceedings have concluded and the court official has left the bench, or when the proceedings are in recess.

(Effective date: 07/01/25)

201(3): Limitations on Recorded Court Proceedings. Still photography, video and/or audio recording of jurors and alleged victims (whether testifying or seated in the gallery of the courtroom) is strictly prohibited under any circumstance. (Effective date: 07/01/25)

202: Closure of Proceedings.

202(1): Media Coverage. Unless good cause be shown or otherwise required by statute, a party requesting that any judicial proceeding be closed to the public must notify the Court and the media coordinator in writing at least 72 hours before the time set for the hearing or trial. The purpose of this Local Rule is to permit the media to be heard on the request to close the proceedings to the public. The burden shall be upon the moving party to show why the proceedings should not be open to the public. (Effective date: 06/01/07; Revised 07/01/25)

203: Billings from Court-Appointed Attorneys. Any attorney appointed by the Court at County expense in any type of proceeding shall submit a final billing for payment within 60 days after the matter has been concluded. However, if a pending court case is not yet concluded by December 31 of any given year, then the attorney shall submit a billing to date (through December 31) by January 15 of the following year in order to ensure payment. This Local Rule also applies to attorneys appointed by the Court as guardians ad litem at County expense. Failure to submit billings in accordance with this Local Rule may result in the bill not being paid. (Effective date: 07/01/25)

204: Continuances.

204(1): Approval of the Court Required. A continuance of a court hearing or trial will not be automatically granted simply because all parties agree to a continuance. All requests for a continuance are subject to approval of the Court. (Effective date: 06/01/07)

204(2): Requests Must Be in Writing. A request for a continuance must be made in writing and must state the specific reason(s) why a continuance is being sought. (Effective date: 06/01/07)

204(3): Moving Party Must Confer with Opposing Party. A request for continuance must state the position of the opposing counsel or party. The Court must be made aware of any objections to granting the continuance, and any time limit conditions the opposing counsel or party may have. When circumstances do not permit contact with the opposing counsel or party, the request for continuance must state the good cause basis for not having contacted the opposing counsel or party. (Effective date: 06/01/07)

205: Court Commissioner.

205(1): Availability of De Novo (New) Review Hearing by Judge. Decisions of the Court Commissioner are subject to a de novo (new) review hearing by the assigned judge (except for a bindover following a felony preliminary hearing which is subject to a motion to dismiss addressed to the assigned judge). Any party who was present at the hearing before the Court Commissioner has the right to request de novo review. Findings and orders entered by the Court Commissioner by stipulation or by default are not subject to de novo review. (Effective date: 06/01/07; Revised 06/01/18).

205(2): Timeliness of Requests for De Novo Review of Court Commissioner Decisions. Any party seeking a de novo review of a decision of the Court Commissioner shall file a written request for such review with the Clerk of Courts pursuant to statutory time limits. However, if no statutory time requirement exists, then in that event the request must be filed within 20 days of the issuance of an oral decision by the Court Commissioner or within 23 days of mailing of the written decision (if the decision was not issued orally at the conclusion of the hearing). A copy of the de novo review request shall be immediately delivered or mailed to all other parties (or their attorneys, if applicable) by the requesting party. Any request for de novo review of the Court Commissioner's decision not filed in accordance with this Rule shall be deemed untimely, and denied without a hearing. (Effective date: 06/01/07; revised 06/01/18).

205(3): Effect of Requests for De Novo Review of Court Commissioner Decisions. Except for the granting of an eviction, a written request for de novo (new) review of a Court Commissioner decision will not automatically stay the Commissioner's Order unless the assigned judge specifically grants a stay of the Commissioner's Order. Rather, the Commissioner's Order shall remain in effect until the assigned judge either grants a stay or renders a decision following the de novo review hearing. (Effective date: 06/01/07; Revised 07/01/25)

205(4): Availability of Obtaining Court Recordings. Parties seeking to have an audio recording of a hearing held before the Court Commissioner shall request such a recording in advance of the hearing. A compact disc recording of a hearing held before the Commissioner is available to the parties only. A request for such a recording shall be made in writing, noticed to all other parties, and be accompanied by a \$10 fee. (Effective date: 06/01/18)

205(5): Proper Form of a Request for De Novo Review. All requests for de novo review of a Court Commissioner's decision shall be in writing and filed with the Clerk of Courts. The request for de novo review shall state with particularity the specific decision(s) of the Court Commissioner for which the review is requested. (Effective date: 06/01/07)

207: Facsimile/E-Mail Transmission of Documents to the Court.

207(1): E-mail Transmissions. Except by express permission on a case-by-case basis, no person shall submit any communication to a Circuit Court Judge or Court Commissioner through electronic mail (e-mail). Documents intended for filing in a court file (including pleadings or other evidence) must be submitted to and filed with the Clerk of Courts, as required by Wis. Stat. § 801.16(1). (Effective date: 06/01/07; Revised 07/01/25)

207(2): Facsimile Transmission of Documents. Except by express permission on a case-by-case basis, no person shall submit any communication to a Circuit Court Judge or Court Commissioner by facsimile. Documents intended for filing in a court file (including pleadings) must be submitted to and filed with the Clerk of Courts, as required by Wis. Stat.

§ 801.16(1). The Clerk of Courts and the County Clerk are not authorized to accept facsimiles directed to a member of the judiciary. Any facsimile transmission to the Court in violation of these provisions may not be reviewed or otherwise considered by the Court. (Effective date: 06/01/07; Revised 06/01/18 and 07/01/25)

212: Judicial Assignments.

212(1): Criminal Matters. Criminal cases for which a defendant's last name begins with the letters A-L shall be assigned to Branch 1. Criminal cases for which a defendant's last name begins with the letters M-Z shall be assigned to Branch 2. (Effective date: 07/01/25)

212(2): Family Court Matters.

212(2)(a): Divorces. All divorce actions shall be assigned to the circuit court judges on a rotating basis. However, the Family Court Commissioner shall conduct any temporary order hearings and status conferences in all divorce actions prior to the final hearing. The final hearing in each case (whether stipulated or contested) shall be scheduled with the assigned judge. (Effective 07/01/25)

212(2)(b): Post-Divorce Custody and Placement Disputes. Motions requesting a modification of an existing Order regarding custody and/or placement of minor children shall be scheduled for a final hearing before the Family Court Commissioner (subject to de novo review by the assigned judge) unless the issue of custody and/or placement was contested at the time of the final divorce hearing (or during a prior post-divorce custody and/or placement motion) and decided by the assigned judge at that time. In those cases, the final hearing in a such post-divorce motion requesting a modification in custody and/or placement shall be heard once again by the assigned judge. (Effective date: 07/01/25)

212(2)(c): Paternity Actions. Issues of custody and/or placement of minor children in paternity actions shall be decided by the Family Court Commissioner (subject to de novo review by the assigned judge) unless the issue of custody and/or placement was previously decided by the

assigned judge following a contested hearing regarding custody and/or placement. In those cases, any subsequent motions to modify custody and/or placement shall be heard once again by the assigned judge. (Effective date: 07/01/25)

212(3): Forfeiture Matters. Generally, citations involving traffic regulation violations and forfeiture violations issued by the City of Superior shall be assigned to Branch 1. Generally, citations involving traffic regulation violations and forfeiture violations issued by the State of Wisconsin, Douglas County, the Department of Natural Resources, and the University of Wisconsin-Superior shall be assigned to Branch 2. However, any citations issued to a defendant arising out of (and at the same time as) a criminal offense shall trail the criminal charge(s) and be assigned to the judge responsible for handling the criminal charge(s) pursuant to the provisions of Local Rule 212(1). (Effective date: 07/01/25)

212(4): Small Claims Case Removed to Large Claims. If a small claims case is removed to large claims pursuant to Wis. Stat. § 799.02(1), the case shall remain assigned to the circuit court judge who had been assigned to the matter when originally filed as a small claims lawsuit. (Effective date: 07/01/25)

213: Jury Fees.

213(1): Jury Demands in Civil Traffic/Forfeiture Cases.
[Renumbered as Local Rule 1001(2)]

214: Rules of Decorum.

214(1): Attire. Lawyers, litigants, spectators, and court personnel shall, while in court, be attired in such a manner so as not to lessen the dignity of the court proceedings. Hats and caps should be removed. (Effective date: 06/01/07; Revised 07/01/25)

214(2): Promptness of Proceedings. Attorneys and litigants shall be prepared to proceed on time. Failure to proceed on time may be grounds for sanctions (including but not limited to costs, dismissal, judgment, and/or

ruling against the late party on the particular matter before the Court).
(Effective date: 06/01/07)

214(3): Civility in Witness Examination. Witnesses shall be examined with courtesy and respect. (Effective date: 06/01/07)

214(4): Voir dire. During examination of jurors on voir dire, the lawyer or litigant conducting the examination shall, insofar as practical, use collective questions, avoid repetition, seek only material information, and avoid engaging in individual voir dire unless it follows in response to a general question to the entire panel. When addressing the jury, the lawyer or litigant shall not crowd the jury box. (Effective date: 06/01/07)

214(5): Formality of Proceedings. During trial, no lawyer or litigant shall exhibit familiarity with witnesses, jurors, or opposing counsel. Generally, the use of first names shall be avoided. (Effective date: 06/01/07)

214(6): Cell Phones and Other Electronic Devices. All persons shall turn off or silence cell phones and all other electronic devices in his/her possession before entering any courtroom. Failure to comply with this mandate may result in a fine. (Effective date: 06/01/07: Revised 06/01/18 and 07/01/25)

214(7): Weapons in the Courtroom. All certified law enforcement officers and transport personnel shall be entitled to carry a weapon in the courtrooms. No other person shall go armed with a dangerous weapon (including but not limited to firearms, electronic weapons, knives, or clubs) while in any courtroom. (Effective date: 06/01/18)

214(8): Service Animals and Comfort Animals. Only service animals are permitted to accompany people with disabilities in the Douglas County Courthouse. An emotional support, therapy, comfort, or companion animal does not qualify as a service animal under the Americans with Disabilities Act and, therefore, is not permitted in the Courthouse. A service animal must be under the control of its handler at all times. (This local Rule is consistent with and incorporates the County Administration's policy in a memo dated October

22, 2024 regarding Animals Within Douglas County Buildings.) (Effective date: 07/01/25)

216: Telephonic Hearings/Motions.

216(1): Prohibition Against Recording or Rebroadcasting.

Telephonic hearings are court proceedings; the official court record is created by the court reporter or any digital recording made at the direction of the court official. No person or organization shall record and/or rebroadcast telephonic proceedings without the express permission of the court official presiding over the proceeding. (Effective date: 12/09/20)

216(2): Permission Required. Lawyers, litigants, witnesses, and victims (or alleged victims) shall be permitted to participate in a court proceeding by telephone upon prior express permission of the court official. Any written request by an attorney to appear by telephone shall be accompanied by a proposed Order regarding the request. (Effective date: 06/01/07; Revised 07/01/25)

216(3): Expert Witnesses in Certain Cases. An expert witness may testify and be examined by telephone in cases under Chapters 48, 51, 54 and 55 of the Wisconsin Statutes, pursuant to Wis. Stat. § 807.13(2). (Effective date: 06/01/07)

216(4): Conduct of the Participant. Telephonic participants shall conduct themselves as if physically present in the courtroom including, but not limited to, abstaining from drinking, smoking or eating. Participants are subject to sanctions for contempt of court. (Effective date: 07/01/25)

216(5): Display of Surname Required. Participants shall display their surnames, when possible. (Effective date: 12/09/20)

216(6): Eliminate Distractions and Background Noise. Telephonic participants must secure the area of their remote location so as to eliminate all distractions and background noise. (Effective date: 12/09/20)

216(7): Remain Muted Until Recognized by the Court. All telephonic participants shall remain muted until prompted to speak by the court official.

Participants shall be aware to identify themselves when speaking so as to alert all observers and the court reporter as to who is speaking. (Effective date: 12/09/20; Revised 07/01/25)

216(8): Telephone Etiquette. Telephonic participants should speak in a measured manner in order to improve the clarity and comprehension of the presentation, provide opportunities for the court official to interject and ask questions, and to avoid talking when others are talking. (Effective date: 12/09/20)

216(9): Use of Exhibits by Telephone Participant. Telephonic participants shall file any exhibits which are intended to be used by the participant as part of the court proceeding at least 48 hours in advance. The party seeking the exhibit's admission shall also provide a copy of any such exhibit to the opposing party at least 48 hours in advance. (Effective date: 12/09/20)

217: Virtual Proceedings/ Video Conferencing.

217(1): Prohibition Against Recording or Rebroadcasting. Virtual proceedings are court proceedings; the official court record is created by the court reporter or any digital recording made at the direction of the court official. No person or organization shall record and/or rebroadcast virtual proceedings without the express permission of the court official presiding over the proceeding. (Effective date: 12/09/20)

217(2): Permission Required. Lawyers, litigants, witnesses, and victims (or alleged victims) shall be permitted to participate in a court proceeding by video conferencing only upon prior express permission of the court official. Any written request by an attorney to appear by video conferencing shall be accompanied by a proposed Order regarding the request. (Effective date: 07/01/25)

217(3): Expert Witnesses in Certain Cases. An expert witness may testify and be examined by video conferencing in cases under Chapters 48, 51, 54 and 55 of the Wisconsin Statutes, pursuant to Wis. Stat. § 807.13(2). (Effective date: 07/01/25)

217(4): Conduct of the Participant. Virtual proceeding participants shall conduct themselves as if physically present in the courtroom including, but not limited to, abstaining from drinking, smoking or eating. Participants shall be appropriately attired, and they shall remove hats and caps. Participants are subject to sanctions for contempt of court. (Effective date: 12/09/20)

217(5): Video Conferencing Appearance. A participant's videoconferencing background display shall be neutral (avoiding clutter and distraction) and in-court appropriate. Participants shall display their surnames electronically. Sufficient lighting should be used so that the speaker is readily observable when video conferencing. The camera should be at eye level and the participant's head and shoulders should be visible at all times. (Effective date: 12/09/20)

217(6): Eliminate Distractions and Background Noise. Video conferencing participants must secure the area of their remote location so as to eliminate all distractions and background noise. (Effective date: 12/09/20)

217(7): Remain Muted Until Recognized by the Court. All video conferencing participants shall remain muted until prompted to speak by the court official. Participants should be aware to identify themselves when speaking so as to alert all observers and the court reporter as to who is speaking. (Effective date: 12/09/20; Revised 07/01/25)

217(8): Video Conferencing Etiquette. Video conferencing participants should speak in a measured manner in order to improve the clarity and comprehension of the presentation, provide opportunities for the court official to interject and ask questions, and to allow for the time delay many electronic devices have in picking up the speaker's voice so as to eliminate participants from talking when others are talking. (Effective date: 12/09/20)

Part 3: Civil Practice:

- 300: Use of Standard Court Forms.
- 301: Service, Answer and Appearance.
- 302: Scheduling.
- 304: Discovery.
- 305: Motion Practice.

300: Use of Standard Court Forms. In all civil actions and proceedings in circuit court, the parties shall use the standard court forms adopted by the judicial conference under Wis. Stat. § 758.18, pursuant to Wis. Stat. § 807.001. The forms are available from the Court website located at www.wicourts.gov (Effective date: 07/01/25)

301: Service, Answer and Appearance.

301(1): Guardians ad Litem. In a personal injury action or settlement action involving a minor, neither the minor's attorney nor a member of the minor attorney's firm may be appointed as guardian ad litem for the minor. (Effective date: 06/01/07)

302: Scheduling.

302(1): Obtaining Motion Dates. A party filing any motion in a civil action shall be responsible for obtaining and noticing the motion hearing date and time. Failure to properly notice the motion shall constitute waiver of the motion. (This Local Rule is not intended to require that a motion be noticed for hearing at the same time as it is filed; the intent of this Local Rule is that the filing party take the necessary steps to notice the motion for hearing at that point in the litigation when the party desires the motion to be heard by the assigned court official.) (Effective date: 06/01/07; Revised 07/01/25)

302(1a): Duty to Confer with Opposing Counsel. A party filing any motion in a civil action shall confer with the opposing attorney(s) of record (if applicable) when choosing a date and time for the motion hearing. Failure to confer with opposing counsel may result in the motion hearing being

rescheduled in order to accommodate all lawyers' calendars. (Effective date: 07/01/25)

302(1b): Dispositive Motions. A party filing any dispositive motion shall notice the motion for hearing no less than 30 days after the filing of the motion. A dispositive motion is any motion that seeks a court order entirely disposing of all or part of any claim(s) without the need for further proceedings on that claim. (Effective date: 07/01/25)

302(2): Forfeiture Actions Brought by the State Pursuant to Wisconsin Statute § 961.55. In an action brought by the State of Wisconsin to cause the forfeiture of any property seized under Wis. Stat. § 961.55, the State shall contact the assigned judge within 10 days after receiving service of an Answer in order to schedule a hearing date within the time limit prescribed by Wis. Stat. § 961.555(2)(b). (Effective date: 06/01/18)

304: Discovery.

304(1): Motion to Compel. A party moving for an order compelling discovery must include a statement regarding the efforts made by counsel to reach an informal resolution of the dispute. (Effective date: 07/01/25)

305: Motion Practice.

305(1): Consolidation of Civil Lawsuits. Consolidation of civil lawsuits shall be requested by written motion and will be granted only upon the joint written Order of the transferring judge and the judge to which the action is to be transferred. If granted, the consolidated cases will be assigned to the judge to which the earliest-filed lawsuit was assigned. (Effective date: 06/01/18)

Part 4: Criminal Practice:

400: Use of Standard Court Forms.

401: Defendant's Presence.

408: Jury and Bench Trials.

409: Motion Practice.

410: Presentence Investigation (PSI) Reports.

400: Use of Standard Court Forms. In all criminal actions and proceedings, the parties shall use the standard court forms adopted by the judicial conference under Wis. Stat. § 758.18, pursuant to Wis. Stat. § 971.025. The forms are available from the Court website located at www.wicourts.gov (Effective date: 07/01/25)

401: Defendant's Presence.

401(1): Authorization to Appear and Act. A defendant charged with a misdemeanor may authorize his or her attorney in writing to act on his or her behalf (and to be excused from attendance at court proceedings) with leave of the Court, pursuant to Wis. Stat. § 971.04(2). The filing of any such authorization request shall be accompanied by a written statement setting forth the specific reason(s) for the request, along with a proposed Order. (Effective date: 06/01/18)

401(2): Assuring a Defendant's Personal Appearance in Court for a Plea Hearing. Generally, an incarcerated defendant will appear in court by video for status conferences, arraignments and bail hearings. However, if a plea is anticipated, the defendant's attorney shall advise the bailiff in advance in order that the necessary arrangements are made for the defendant to be personally present in court for the hearing. For an incarcerated defendant housed in the local Douglas County jail, the bailiff shall be notified at least 24 hours in advance (excluding weekends and holidays). For an incarcerated defendant being housed by the Sheriff in a jail located outside of Douglas County, the bailiff shall be notified at least 72 hours in advance (excluding weekends and holidays). The bailiff can be reached by e-mail at bailiff@douglascountywi.gov (Effective date: 07/01/25)

408: Jury and Bench Trials.

408(1): Timeliness of Pleas in Jury Trials. If a criminal defendant intends to enter a guilty plea or a no contest plea in any criminal case scheduled for trial, the Court should be notified of the intended plea (no later than by noon) two business days preceding the commencement of the trial. A

party failing to comply with this Local Rule (including the State) may be assessed jury fees in an amount of no less than \$500. (Effective date 06/01/07; Revised 06/01/18 and 07/01/25)

408(2): Proposed Jury Instructions and Verdicts. No less than seven days prior to the trial date, the parties shall file and exchange a list of all requested jury instructions and a proposed verdict form. All substantive instructions (which set forth the elements of each crime charged) shall be submitted in written form with all requested revisions and/or modifications. (Effective date: 06/01/18)

409: Motion Practice.

409(1): Obtaining Motion Dates. A party filing any motion in a criminal case shall be responsible for obtaining and noticing the motion hearing date and time. Failure to properly notice the motion shall constitute waiver of the motion. (This Local Rule is not intended to require that a motion be noticed for hearing at the same time as it is filed; the intent of this Rule is that the filing party take the necessary steps to notice the motion hearing at that point in the litigation when the party desires the motion to be heard by the assigned court official.) (Effective date: 06/01/18; Revised 07/01/25)

409(2): Motion to Admit Defendant's Statements at Trial. Pursuant to Wis. Stat. § 971.31(3), the admissibility of any statement of a defendant shall be determined at trial by the court in an evidentiary hearing out of the presence of the jury, unless the defendant (by motion) challenges the admissibility of such statement before trial. In the alternative, the State may file a motion (along with a proposed Order) seeking the admission of any statements of a defendant that the State intends to introduce at trial no less than 45 days prior to the trial. The motion shall identify the specific statements at issue with particularity. (Effective date: 06/01/18; Revised 07/01/25)

409(3): Challenges to the State's Motion to Admit Statements at Trial. If the State files a motion under Local Rule 409(2) and if the defendant

intends to challenge the admissibility of any statements sought to be admitted by the State, the defendant shall file a written objection within 20 days of the filing of the State's motion. The defendant's objection shall state the legal basis for the objection. Failure of a defendant to timely file an objection will result in the Court granting the State's Motion to Admit Statements without a hearing. (Effective date 06/01/18)

409(4): Motion to Withdraw as Counsel. An attorney shall not be permitted to withdraw as counsel for a defendant without a court hearing and without the judge's permission in any pending criminal case which has already been scheduled for trial or sentencing, or in any case in which a speedy trial demand has been made. (Effective date: 06/01/18)

410: Presentence Investigation (PSI) Reports.

410(1): PSI Reports. Pursuant to Wis. Stat. § 972.15(4m), presentence investigation reports are confidential. The district attorney and the defendant's attorney are entitled to have and keep a copy of the presentence investigation report. If the defendant is not represented by counsel, the defendant is entitled to view the presentence investigation report but may not keep a copy. A district attorney and a defense counsel who receive a copy of the report shall keep it confidential. A defendant who views the contents of a presentence investigation report shall keep the information in the report confidential. If sentencing results in a prison term, a copy of the presentence investigation report and the Judgment of Conviction shall be provided to the Department of Corrections or other point of intake designated by the Department of Corrections. (Effective date: 06/01/07)

410(2): Alternate PSI Reports. If a defendant intends to submit an alternate PSI report to the Court for consideration at sentencing, the report must be filed in accordance with the time requirement imposed by the Court on the Department of Corrections for filing its PSI report. In addition, the preparer of the alternate PSI report must appear at the defendant's sentencing hearing. (Effective date: 06/01/18)

Part 5: Family Law Practice.

- 500: Use of Standard Court Forms.
- 501: Financial Disclosure Statement.
- 502: Mediation.
- 504: Stipulations.
- 505: Marital Settlement Agreements.
- 506: Trial.
- 507: Post-Final Hearing Motions Regarding Custody and/or Placement.
- 508: Motions to Modify Child Support, Family Support or Maintenance.

500: Use of Standard Court Forms. In all family court actions and proceedings in circuit court, the parties shall use the standard court forms adopted by the judicial conference under Wis. Stat. § 758.18, pursuant to Wis. Stat. § 807.001. The forms are available from the Court website located at www.wicourts.gov (Effective date: 07/01/25)

501: Financial Disclosure Statement.

501(1): Required for Hearings Involving Financial Matters. If a party's motion (or any other request for a court Order) in a family law case involves financial matters (such as child support, maintenance, payment of debt, or any other financial matter), the party filing the motion shall file a Financial Disclosure Statement no later than five days prior to the hearing. (Effective date: 06/01/18; Revised 07/01/25)

502: Mediation.

502(1): Failure to Comply with an Order for Mediation. A party ordered by the Court to contact a mediator (in order to schedule a mediation session) who fails to comply with such Order may be responsible to pay in-full the guardian ad litem retainer. (Effective date: 06/01/18)

504: Stipulations.

504(1): Stipulations Involving Child Support. All stipulations involving the issues of child support, maintenance, family support, or arrears shall be completed on form FA-604A and shall be submitted to the Douglas

County Child Support Office for review and approval prior to the stipulation being presented to the appropriate court official for approval. (Effective date: 07/01/25)

505: Marital Settlement Agreements.

505(1): Use of Official Standard Court Forms Required. The official standard forms of the Wisconsin Court System shall be used for all Marital Settlement Agreements in divorce proceedings (i.e., form FA-4150V or FA-4151V, whichever is applicable). (Effective date: 07/01/25)

505(2): Approval by the Child Support Office. If a divorce action involves minor children, the Marital Settlement Agreement must be submitted to the Douglas County Child Support Office for review and approval prior to the Agreement being filed or presented to the appropriate court official for approval. (Effective date: 07/01/25)

506: Trial.

506(1): Default Divorce Hearings. At least five days prior to a scheduled default divorce hearing, the appearing party shall prepare and file a Proposed Marital Settlement Agreement (i.e., form FA-4150V or FA-4151V, whichever is applicable). (Effective date: 07/01/25)

507: Post-Final Hearing Motions Regarding Custody and/or Placement.

507(1): Judicial Assignment. Post-final hearing motions requesting a modification of custody and/or placement of minor children shall be assigned and handled by the appropriate court official pursuant to Local Rule 212.04. (Effective date: 07/01/25)

507(2): Temporary Orders. No party shall be entitled to a temporary order hearing with respect to a motion to modify an already existing final Order regarding custody and/or placement of minor children. The existing Order shall remain in full force and effect until a final hearing on the motion requesting a modification or until otherwise modified by the court official. (Effective date: 07/01/25)

508: Motions to Modify Child Support, Family Support or Maintenance.

508(1): Interim Financial Summary Form Required. Any time a court official modifies an Order regarding child support, family support or maintenance, the party who filed the motion requesting the modification shall prepare the Interim Financial Summary to Child Support Agency (form FA-612) within 24 hours of the hearing. The original form shall be filed with the Clerk of Courts Office and a copy provided to the Child Support Office.

(Effective date: 07/01/25)

Part 7: Juvenile Practice:

700: Use of Standard Court Forms. In all actions and proceedings under Chapters 48 and 938 of the Wisconsin Statutes, the parties shall use the standard court forms adopted by the judicial conference under Wis. Stat. § 758.18, pursuant to Wis. Stat. § 971.025. The forms are available from the Court website located at www.wicourts.gov (Effective date: 07/01/25)

Part 8: Probate Practice:

801: Filing of Documents.

802: Scheduling.

803: Estates.

804: Conservatorships.

805: Guardianships and Protective Placements.

806: Termination of Guardianships.

807: Watts.

808: Civil Commitments.

810: Forms.

801: Filing of Documents. All probate filings shall conform with the outlines adopted by the Tenth Judicial District. Copies of the outlines are available upon request. (Effective date: 06/01/07; Renumbered 07/01/25)

802: Scheduling.

802(1): Petitioning parties/attorneys are responsible for scheduling hearings directly with the assigned judge's assistant unless prior

arrangements have been made through the Probate Office. (Effective date: 06/01/07; Renumbered 07/01/25)

802(2): Informal Hearings. Hearings on Informal Administration are scheduled before the Register in Probate. (Effective date: 06/01/07; Revised 06/01/18; Renumbered 07/01/25)

803: Estates.

803(1): Notice to Creditors. It is the responsibility of a petitioning party to deliver the Notice to Creditors to the proper newspaper for publication. (Effective date: 06/01/07; Renumbered 07/01/25)

803(2): Selection of Personal Representative. Only Wisconsin residents may be appointed as personal representative of an estate, with the following exceptions: a non-resident may be appointed at the discretion of the judge if the non-resident has retained a Wisconsin attorney or posts bond in an amount determined by the judge. All non-resident personal representatives are required to have a resident agent. (Effective date: 06/01/18; Renumbered 07/01/25)

803(3): Wills. Only original Wills shall be accepted for filing with the Court without a hearing. Wills of a decedent which will not be subject to any probate proceedings may be filed and shall be accompanied by an Affidavit of no probate. In an Informal Administration, if the heirs cannot locate the original Will but agree that the copy they possess is the Last Will and Testament of the decedent, an Affidavit must be submitted by all interested persons indicating that they believe the copy of the Will is the decedent's Last Will and Testament and the Affidavit must accompany a copy of the Will at the time of filing. (Effective date: 06/01/07; Revised 06/01/18; Renumbered 07/01/25)

803(4): Late Claims. If a claim is received by the Probate Office after the last date for filing, the Probate Office shall accept the claim for filing. (Effective date: 06/01/07; Revised 06/01/18; Renumbered 07/01/25)

803(5): Disputed Claims. If a claim is disputed, the petitioning attorney shall schedule a hearing on the disputed claim before the judge. No informal probate will close if there are outstanding claims. (Effective date: 06/01/07; Revised 06/01/18; Renumbered 07/01/25)

803(6): Extensions of Time for Closing Estates. When an estate cannot be closed within the statutory time limits, a verified petition setting forth the reasons for the request of an extension of time to close the estate must be filed with the Court. A proposed Order also shall be submitted, and the Court will review each request individually to determine whether or not a hearing is required. (Effective date: 06/01/07; Revised 06/01/18; Renumbered 07/01/25)

803(7): Extension Reasons. The following reasons ordinarily will qualify for a single 6-month extension of time to close the estate, upon the filing of the required petition: (a) The federal estate tax return has been timely filed and the tax audit has not been completed (copy of the return must be filed with the court); (b) The final federal and state income tax returns have been timely filed but the closing certificate for fiduciaries has not been received from the Wisconsin Department of Revenue (copy of the final return must be filed with the court); or (c) The estate is involved in pending litigation (case information must be provided). All other grounds for extension of time to close the estate will be reviewed and considered by the Court. The Register in Probate shall notify the judge if any duty is more than 30 days late in being performed. (Effective date: 06/01/18; Renumbered 07/01/25)

803(8): Proof of Heirship. Proof of heirship must be filed with all opening documents for summary settlement and summary assignment. (Effective date: 06/01/18; Renumbered 07/01/25)

803(9): Hearing or Waiver of Hearing. Other than hearings offering a Will for probate and on final account in formal probates, and final hearings on summary assignment and summary settlement proceedings, a court hearing is not required when waivers are filed by interested parties. Parties

shall submit proposed Orders with the waivers when no hearing is sought. (Effective date: 06/01/18; Renumbered 07/01/25)

804: Conservatorships.

804(1): Conservatorships. A hearing is required for the appointment of a conservator, and the petitioner shall be present so the Court may determine whether the action is voluntary. (Effective date: 06/01/18; Renumbered 07/01/25)

804(2): Hearings. A hearing is required to terminate a conservatorship. (Effective date: 06/01/18; Renumbered 07/01/25)

805: Guardianships and Protective Placements.

805(1): Commencing Guardianships and Protective Placements. A guardian ad litem shall be appointed for all temporary and permanent guardianships. The Corporation Counsel is responsible for immediately notifying the Register in Probate that a guardian ad litem needs to be retained for a temporary or permanent guardianship filed by the County. The Probate Office is not responsible for seeking a guardian ad litem for petitions brought by a private attorney or an unrepresented party. (Effective date: 06/01/07; Revised 06/01/18)

805(2): Guardian Ad Litem Fees. If a guardian ad litem is appointed through the Probate Office, the attorney's fees for such services shall be paid by the County. Depending on the assets of the ward, the County may seek reimbursement for such fees from the ward's assets. Unless previously ordered by the Court, the guardian must petition the Court for any fees and/or reimbursement of expenses. (Effective date: 06/01/07; Revised and Renumbered 07/01/25)

805(3): Expert Reports. Parties shall provide their own examining expert to prepare a competency report on the proposed ward. (Effective date: 06/01/18; Renumbered 07/01/25)

805(4): Protective Placement. If a protective placement petition is part of a guardianship petition, the moving party shall (at the time of filing the

petition) request that the Douglas County Department of Health and Human Services complete a comprehensive evaluation of the proposed ward and file it with the Court prior to the hearing. (Effective date: 06/01/18; Renumbered 07/01/25)

805(5): Access to the File. After the guardianship has been ordered, access to the file is limited to the guardian, the ward, the ward's attorney, the currently-appointed guardian ad litem or advocate counsel (or the currently-assigned social worker), and the Corporation Counsel. Others may obtain access, subject to necessary limitations, by Court approval only. In all cases, information shall be requested on a proper letterhead and with proper identification, and in no case shall information be provided over the telephone. (Effective date: 06/01/18; Renumbered 07/01/25)

805(6): Inventories. Temporary and permanent guardians of the estate shall file an inventory of the ward's assets and pay the filing fee within 30 days of their appointment unless the Court or Register in Probate extends the time upon a showing of good cause. (Effective date: 07/01/25)

805(7): Jury Demands. Requests for a jury trial in guardianship or protective placement under Wis. Stats. § 54.42(2) and § 55.10(4)(c) shall be filed in writing (and accompanied with payment of the jury fee) with the Register in Probate within 20 days after the proposed ward is served with the petition for guardianship or protective placement. The jury fee payment is nonrefundable. (Effective date: 07/01/25)

806: Termination of Guardianships.

806(1): Termination of Guardianship Proceedings for Guardian of the Person/Deceased Ward. Upon notification from the guardian or social worker, the judge ordinarily will issue an Order of Discharge of the guardian of the person. (Effective date: 06/01/18; Renumbered 07/01/25)

806(2): Termination of Guardianship Proceedings for Guardian of the Estate/Deceased Ward. Upon the filing of the final account as approved by the Court and a proper receipt and release signed by the appropriate recipient having the authority over the ward's estate, the judge will ordinarily issue an

Order of Discharge of the guardian of the estate. (Effective date: 06/01/18; Renumbered 07/01/25)

806(3): Termination of Guardianship Proceedings for Guardian of the Estate/Minor. Upon the filing of proof of the ward attaining the age of 18 years, the final account, and the release signed by the ward, the Court ordinarily will issue an Order of Discharge of the guardian of the estate. (Effective date: 06/01/18; Renumbered 07/01/25)

806(4): Ward Now Competent. A court hearing is required when an incompetent person is alleged to have gained competency. (Effective date: 06/01/18; Renumbered 07/01/25)

807: Watts.

807(1): Scheduling of WATTS. Watts Summary hearings are scheduled on Wednesdays at 1:15 p.m. unless changed by the Court. The Watts review process shall begin with the filing of the Petition for Annual Review by the Department of Health and Human Services. Upon receipt of the Petition for Annual Review, the Probate Office shall appoint a guardian ad litem, schedule the hearing, and provide notice to all interested persons. If an objection is received, the hearing time for the Watts Summary hearing shall be used as a scheduling conference in order to schedule a full due process hearing. (Effective date: 06/01/07; Revised 06/01/18; Renumbered 07/01/25)

807(2): Orders. All proposed Orders continuing protective placement or the administration of psychotropic medications shall be prepared by the Corporation Counsel and submitted to the judge prior to the hearing. (Effective date: 06/01/18; Renumbered 07/01/25)

808: Civil Commitments.

808(1): Commencement. Once a civil commitment matter originates, the Corporation Counsel shall notify the Public Defender's Office immediately that an attorney needs to be appointed and will distribute

paperwork upon filing. (Effective date: 06/01/07; Revised 06/01/18; Renumbered 07/01/25)

808(2): Probable Cause Scheduling. All hearing dates shall be obtained through the Circuit Court Commissioner for probable cause hearings. (Effective date: 06/01/07; Renumbered 07/01/25)

808(3): Final Hearing Scheduling. All hearing dates shall be obtained through the judge's office for final hearings. (Effective date: 06/01/07; Renumbered 07/01/25)

810: Forms.

810(1): Register in Probate Forms. Case management forms/guidelines/checklists created by the Tenth Judicial District Registers in Probate shall be used whenever appropriate. (Effective date: 06/01/07)

810(2): Standard Forms. Non-standard forms shall not take the place of standard statewide forms created pursuant to Wis. Stat. § 758.18. (Effective date: 06/01/07; Revised 07/01/25)

810(3): Current Forms. The most current state forms should be used for filing. The forms are available from the court website located at www.wicourts.gov (Effective date: 06/01/07)

PART 9: Small Claims Practice:

901: Service.

902: Appearance.

901: Service.

901(1): Alternatives for Service of Summons and Complaint in Small Claims Actions. The service of the Summons in small claims cases, except in eviction and replevin actions, may be by regular mail (in lieu of personal or substituted service), pursuant to the requirements of Wis. Stat. § 799.12(3). See Wis. Stat. § 799.12(2). (Effective date: 06/01/07; Revised 06/01/18; Renumbered 07/01/25)

902: Appearance.

902(1): Appearance in Small Claims Actions (Except Evictions). Except for eviction actions, a defendant may contest a small claims action without appearing on the initial return date by delivering a written Answer to the Clerk of Courts no later than noon of the weekday preceding the scheduled return date. See Wis. Stat. § 799.22(4). (Effective date: 06/01/07; Revised: 06/01/18)

902(1)(a): Form of the Answer in Small Claims Actions (Except Evictions). If an Answer is filed prior to the initial return date in a small claims lawsuit, the Answer shall state in plain simple language the basis for contesting the Complaint. The defendant must also provide a copy of any such Answer to the plaintiff (or the plaintiff's attorney, if applicable) prior to the return date. However, if a defendant's written Answer does not raise a material issue of fact and/or sufficiently set forth a legal defense to the plaintiff's Complaint, the Court may grant judgment in favor of the plaintiff at the initial return date (even in the defendant's absence). (Effective date: 06/01/07; Revised 06/01/18)

902(2): Appearance in Small Claims Eviction Actions. In an eviction action, all parties (including landlords and tenants) must personally appear at the initial return date (even if the defendant files a written Answer prior to the return date) if the defendant objects to the eviction or other relief requested in the Complaint. However, a defendant is not required to appear if that party does not object to the granting of the eviction and the other relief requested in the Complaint. (Effective date: 06/01/07)

Part 10: Traffic/ Forfeiture Practice:

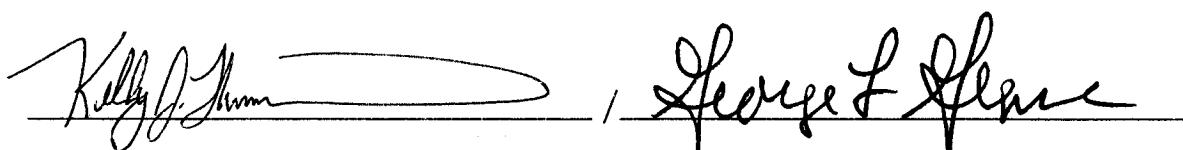
1001(1): Motion to Reopen Default Judgments in Traffic or Forfeiture Cases. A motion requesting that a Default Judgment be vacated and reopened for further proceedings shall be accompanied by a non-refundable motion fee in an amount determined by the judges (to be paid to the Clerk of Courts), pursuant to Wis. Stat. § 814.07. (Effective date: 06/01/18)

1001(2): Jury Demands. Requests for a jury trial in civil traffic or other forfeiture cases shall be filed in writing (and be accompanied with payment of the jury fee) with the Clerk of Courts within 10 days after a plea of not guilty is entered. A jury fee must be paid for each citation for which the defendant requests a jury trial. The jury fee payment is nonrefundable.
(Effective date: 06/01/07; Renumbered and Revised 07/01/25)

ADOPTION AND APPROVAL OF DOUGLAS COUNTY LOCAL COURT RULES:

Pursuant to Wis. Stat. § 753.35(1), the above 10th Judicial District Local Rules (Douglas County) and the respective effective dates of each Rule are hereby adopted by Circuit Court Judge Kelly Thimm (Branch I) and Circuit Court Judge George L. Glonek (Branch II), subject to approval by the Chief Judge of the 10th Judicial Administrative District, and the Local Court Rules contained herein shall remain in full force and effect until otherwise amended.

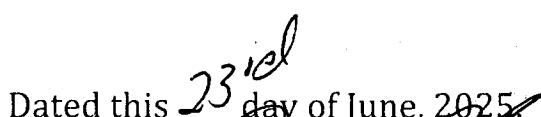
Dated this 30th day of June, 2025. Dated this 30 day of June, 2025.



Kelly Thimm (Circuit Court Judge)/George Glonek (Circuit Court Judge)

The above 10th Judicial District Local Court Rules (Douglas County) are hereby APPROVED, effective July 1 2025.

Dated this 23rd day of June, 2025.



Chief Judge John Anderson