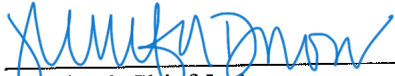


APPROVAL pursuant to Wis. SCR 70.21(15e) and section 753.35(1) & (2) Wis. Stats.



District 3 Chief Judge
Hon. Jennifer R. Dorow

February 1, 2023

Dated

STATE OF WISCONSIN

CIRCUIT COURT

JEFFERSON COUNTY

THIRD JUDICIAL ADMINISTRATIVE DISTRICT

LOCAL COURT RULES

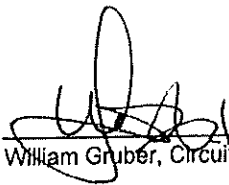
- Approval by Majority

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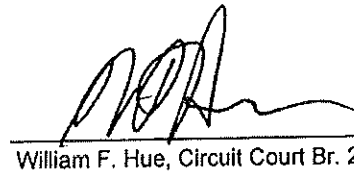
We, the Circuit Court Judges of Jefferson County, hereby approve the 2023 revisions to the Jefferson County Circuit Court Rules which are proposed to be effective a.

These rules supersede and replace any previous rules.



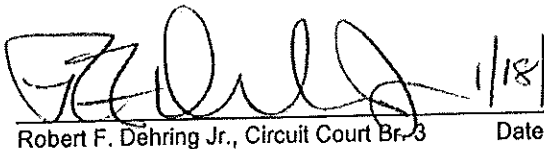
William Gruber, Circuit Court Br. 1

1/11/2023
Date



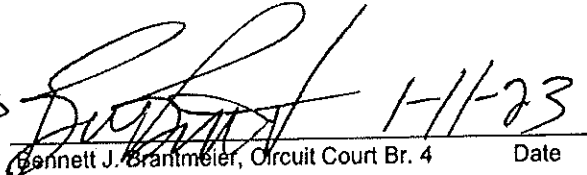
William F. Hue, Circuit Court Br. 2

1-11-23
Date



Robert F. Dehring Jr., Circuit Court Br. 3

1/18/2023
Date



Bennett J. Brantmeier, Circuit Court Br. 4

1-11-23
Date

Jefferson County Circuit Court

RULES OF COURT

Preamble

Order Appointing Rules

IN RE ESTABLISHMENT OF RULES OF PROCEDURE FOR JEFFERSON COUNTY CIRCUIT COURTS IT IS ORDERED that the following are adopted as the rules of court for Jefferson County Wisconsin, effective MARCH 1, 2023. These rules supersede and replace any previous rules.

Rules of Decorum in Circuit Court

Purpose

The purpose of these rules is to establish uniform rules of courtroom decorum throughout the trial courts of Wisconsin, and to assist judges and attorneys through prescribed courtroom procedures. They are intended to supplement but not to supersede the Code of Professional Responsibility and Canons of Judicial Ethics of the American Bar Association and of the State Bar of Wisconsin, and the Supreme Court Rules and legislative enactments of the State of Wisconsin.

Attorneys, Non-Resident Attorneys and pro se parties shall comply with Supreme Court Rules.

Courtroom:

- 1) The flag of the United States and flag of the State of Wisconsin shall at all times be displayed when the court is in session on or in close proximity to the bench, with the flag of the United States to the judge's right.
- 2) Court shall be formally opened each day upon which court business is transacted, by the clerk of court.
- 3) As the judge enters the courtroom the clerk of court shall require all present to arise and stand. The business of the court shall then proceed.
- 4) Upon recessing, the judge shall announce: "The court is now in recess."
- 5) At any time thereafter during the day when court is reconvened the clerk of court shall cause all to stand until the judge is seated.
- 6) Dignity and solemnity of the judge and the attorneys shall be maintained in the courtroom at all times.
- 7) There shall be no unnecessary conversation, loud whispering, newspaper or magazine reading, distracting phone or computer usage or other distracting activity by anyone in the courtroom while court is in session.
- 8) All attorneys and officers of the court shall dress appropriately while in attendance upon the court. Judicial discretion may be exercised otherwise in extreme conditions.

Disclaimer:

These rules are not regularly updated. Nothing herein is intended to conflict with present statutes or case law. These rules shall not serve as a basis or argument for non-compliance with any present or future statute addressing the subject matter herein addressed. Specific scheduling orders shall take priority over time limits in these rules whenever the two are in conflict.

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GENERAL RULES (Applies to all case types)

1) COURT PROCEEDINGS - GENERAL

- a) All court proceedings shall be free from interruption by the sounding of electronic devices. All persons present at a court proceeding who possess such a device shall ensure that no audio signal will sound. If the device cannot be managed on this manner, then the device shall not be brought into the room where the court proceeding is being conducted or shall be turned off completely.
- b) No one may take any photographs of, make any recordings in, or make any broadcasts from any of the courtrooms, jury assembly rooms, jury deliberation rooms, mediation rooms/offices, conference rooms adjacent to the courtrooms and adjacent areas, court related corridors and/or offices, without first obtaining permission from the court official assigned to the applicable case or otherwise in charge of the applicable area. These prohibitions do not apply to ceremonial proceedings.

2) ELECTRONIC FILING (EFILING), REDACTION AND SEALING:

- a) The terms and procedures of the eFiling, redaction and sealing rules are incorporated into and relevant to these rules and amendments thereto. (See §§ 801.18, 801.19 and 801.21 Wis. Stats.)

3) VIRTUAL PROCEEDINGS:

- a) Virtual Proceedings are court proceedings and the official record is created according to Supreme Court Rules Chapter 71.
- b) Use of video conferencing shall be at the discretion of the assigned court official.
- c) Virtual Proceedings are “in court and on the record” proceedings and participants are subject to sanctions for contempt of court.
- d) Participants engaging in any type of virtual proceeding shall be compliant with Supreme Court Rules of Decorum and shall conduct themselves as if physically in the courtroom including that:
 - i) Participants shall be appropriately attired for the courtroom.
 - ii) Participant’s background display shall be neutral avoiding clutter and distraction and in-court appropriate.
 - iii) Parties shall wait until prompted by the judge to speak and will verbally identify themselves prior to speaking so as to alert all observers and the court reporter as to who is speaking.
 - iv) The camera should be at eye level and participant’s head and shoulders should be visible at all times.
 - v) Case parties appearing electronically shall display at least their surname.
 - vi) Sufficient lighting should be used so that speaker is readily observable.
- e) Participants may appear by video or telephonically in the discretion of the presiding court official.

4) TELEPHONIC PROCEEDINGS:

- a) The use of telephone conferencing shall be at the discretion of the assigned court official.
- b) Participants appearing by phone shall be compliant with Supreme Court Rules of Decorum and shall conduct themselves as if physically in the courtroom. See additional information provided in the Video Proceedings section above.
- c) If the hearing was scheduled by the Child Support Agency, an attorney or party seeking permission to appear by phone must first seek consent of the Child Support Agency.
 - i) If there is no agreement, the attorney or party may request a ruling on the request by the court official assigned to preside at the scheduled hearing.

5) TELEPHONIC OR VIDEO TESTIMONY:

- a) If telephonic and/or video testimony is permitted by the Court, the proponent of the testimony shall provide all parties and counsel complete and legible copies of any documents or records upon which the witness is relying or to which the witness will have access during the testimony.

6) FACSIMILE TRANSMISSION OF DOCUMENTS:

- a) Facsimile machines are physically located within the offices of the clerk of circuit court and the register in probate. Both are capable of producing documents that meet the Supreme Court Rule 72.01 concerning retention of filed documents. Only plain-paper facsimile machines currently comply with this requirement.
- b) Document submitted for filing shall not exceed fifteen (15) pages in length, excluding cover sheet.
- c) The clerk of circuit court shall accept the papers for filing only if the transmission complies with the local rule or has been approved by the assigned judge or court commissioner and certified by the party or attorney. (Wis. Stat. 801.16(2)(d))
- d) No filing fee is required.
- e) No additional fee or charge must be paid by the circuit court for accepting or receiving the facsimile document.
- f) The party transmitting the facsimile document is solely responsible for ensuring its timely and complete receipt.
- g) The circuit court, judge, court commissioner, register in probate or clerk is not responsible for errors or failures in transmission that result in missing or illegible documents or periods when a circuit court facsimile machines are not operational for any reason.
- h) Documents filed by facsimile are considered by these rules to be the original document(s). The filing party shall not file a duplicate by mail or otherwise.
- i) Facsimile documents transmitted directly to the courts shall not be accepted for filing.

7) SUBMISSION of DOCUMENTS TO OPPOSING COUNSEL

a) Proposed Continuances:

- i) All requests for continuance are subject to approval of the court.
- ii) Stipulated requests for continuance require the consent of the parties in writing or on the record and must include:
 - (1) the date/time of the hearing(s) scheduled;
 - (2) a good cause basis;
 - (3) victim rights compliance, if applicable.
 - (4) (be submitted along with) a Proposed Order for Continuance.
- iii) Non-stipulated requests for continuance must be submitted in writing or on the record and must include:
 - (1) the date/time of the hearing(s) scheduled;
 - (2) a good cause basis;
 - (3) whenever possible, sufficient time to schedule a hearing;
 - (4) statutory notice to the other party/parties.
 - (a) In non-criminal case types the party requesting the adjournment must first contact the other party(ies) and include their position in any request.
 - (5) information regarding victim rights compliance; if applicable.
 - (6) The requesting party shall provide a copy of any such written request to all other parties or, if represented, their attorneys.
 - (7) If no objection is filed within five days, the Court may grant the requested adjournment, in its discretion, on that basis alone.
 - (8) Any objection to adjournment must be provided to all other parties or, if represented, their attorneys, and shall indicate on its face that copies have been so provided. The Court will direct scheduling to address contests.
 - (a) For requests and/or objections made within 5 days of a hearing, it is within the Court's discretion to act on the matter without hearing.

b) Documentary Exhibits

i) Whenever documentary exhibits are presented by counsel during evidentiary hearings or trial, legible copies shall be provided to all counsel of record and to the Court. Legible copies shall be submitted to opposing counsel before being submitted as evidence to the Court.

c) Proposed Orders: (See Family and Probation Sections for information specific to those case types.)

- i) Unless the Court directs otherwise, all proposed Orders, Findings and/or Conclusions of Law or Judgment submitted to the court shall be simultaneously submitted to opposing counsel
- ii) Proposed order are to be submitted with a cover letter that includes the length of the applicable statutory hold period.
- iii) All proposed orders submitted without a cover letter indicating the hold period will be held for 5-days unless otherwise directed by the assigned court official.
- iv) The "5 Day Rule" will not apply to defaulted parties. Defaulted parties do not have the right to object to substantive matters absent motion to the court.
- v) Any objections shall be made in writing within 5 days or be deemed forfeited. Any such objection shall specifically describe the objectionable part of the proposed documents and the moving party's proposed alternative.
- vi) Unless there is a specific statutory directive, it is the obligation of the filing party to distribute orders once signed.

8) DE NOVO REVIEW OF CIRCUIT COURT COMMISSIONER'S DECISION:

a) Regardless of the nature of the underlying action, unless there is a different limit or other procedure prescribed by law the following procedures will control the de novo review of Court Commissioner decisions.

b) In General

- i) A party seeking review of a decision of the Circuit Court Commissioner shall file a de novo motion within 20 calendar days of the oral decision or within 20 calendar days of the mailing of a written decision or order if the decision or order was not given orally by the Court Commissioner at the time of hearing. As set forth under s. 801.15(1), 20 days are counted consecutively and include weekends and holidays.
- ii) A party is required to be present at the hearing in order to seek de novo review.
- iii) The right to seek de novo review does not apply to stipulations entered into between the parties.
- iv) Motions requesting a de novo hearing will not stay the order unless the court specifically grants a stay of the order.

c) Procedure

- i) Upon the filing of the de novo motion, the motion will be routed to the Circuit Court Commissioner for review. The Circuit Court Commissioner will determine if the motion is timely filed.
- ii) Upon review of the motion, the Circuit Court Commissioner may elect to hold a reconsideration hearing if the facts and circumstances warrant, such as a party obtaining counsel or the appointment of a Guardian ad Litem. The motion for de novo review will be held in abeyance pending the reconsideration. If the party seeking de novo review renews the request for de novo hearing of the original decision at the reconsideration hearing, the Circuit Court Commissioner will route the matter to the assigned Circuit Court Judge for scheduling.

9) GAL/COURT APPOINTED COUNSEL: PAYMENT

- a) Unless otherwise addressed by contract terms and/or conditions, court appointed counsel/GAL shall submit a petition for payment at least quarterly and within 10 days following the final hearing.
- b) Petitions may be made more than quarterly only if the total fees and costs exceed \$200.00
- c) Petition To Include:
 - i) Each petition for payment shall include billing statement(s) containing the following information: case number and name; date(s) of service; service provided and time spent. Every petition for

payment shall indicate whether it is an interim or final petition for payment. Petitions not timely submitted may not be paid.

- ii) For Petitions submitted covering multiple cases, the time is to be divided equally at the time of each hearing occurred.

10) COURTROOM TECHNOLOGY:

- a) The courtrooms are equipped with integrated audiovisual equipment. It is the litigant's responsibility to contact the Clerk of Court's office to arrange for use and testing of their electronic device (ie: laptop) to ensure compatibility with the court's equipment. All testing must be completed during normal business hours prior to the date of the hearing/trial. Contact the clerk for a summary of the court's available technology.

11) PROHIBITED EX PARTE COMMUNICATIONS:

- a) All attorneys shall comply with SCR 20:3.5. Attorneys, pro se parties, relatives, potential witnesses or other private individuals, and county agency personnel, shall not initiate or participate in *ex parte* communications with circuit judges or the court commissioner regarding a pending or impending action or proceeding, directly, through support staff or other court personnel, or by mail or email, except as to scheduling and administrative matters or for purposes of emergency *ex parte* proceedings as authorized above or elsewhere by rule or statute.

12) PAYMENT:

- a) Understanding that the Clerk of Court's Office accepts a variety of payment methods including cash, checks, money order, cashier checks and through outside vendors that accept payment via credit card by phone and online - the Clerk of Court's Office will refuse payment of financial obligations if/when the debt is attempting to be paid in all or mostly rolled or unrolled coins (in excess of 5 rolls.) The Payer will be referred to a bank near the Courthouse to have the coins either counted and converted to cash or counted and rolled into a form of payment that can be reasonably and efficiently processed. (*In re Reyes*, 482 B.R. 603 (2012) and *Picano v. Borough of Emerson*, 353 Fed.Appx. 733, 735 (3rd Cir. 2009).

13) CASE ASSIGNMENT:

- a) All new case assignments and rotations of assignments shall occur as directed by the applicable Judicial Rotation Order approved by the Chief Judge of the District.

14) MULTIPLE FILINGS:

- a) If a party or attorney becomes aware of multiple filings regarding the same child/ren in cases denominated FA, PA, JC, GN, IN and TP, and those cases are not already assigned to the same court official, this shall immediately be brought to the attention of the judge and clerk. The court official assigned to the earliest filed case will consult with the other assigned judge/s to determine whether the matters should be unified into a single court. If unification is ordered, notice will issue.

15) DISCLAIMER:

- a) These rules are not regularly updated. Nothing herein is intended to conflict with present statutes or case law. These rules shall not serve as a basis or argument for non-compliance with any present or future statute addressing the subject matter herein addressed. Specific scheduling orders shall take priority over time limits in these rules whenever the two are in conflict.

CIVIL COURT RULES

The following Local Rules of Civil Procedure are intended to govern civil litigation not to include family, traffic, ordinance, or juvenile law unless specifically noted herein. Wisconsin Statutes shall also apply, without reference.

GENERAL CIVIL PROCEDURES:

- a) **Motion Practice - Circuit Court Proceedings**
 - i) **Letters to Court**
 - (1) Attorneys must keep in mind that letters concerning substantive matters shall not be copied to the Court, as it is a breach of the local rules of civility to do so and these rules..
 - ii) **Non-Wisconsin Authorities**
 - (1) Copies of non-Wisconsin legal authority must be provided to the court with the cited document.
 - iii) **Consolidation motions**
 - (1) Motions for consolidation shall be heard by the branch assigned the lowest numbered action. If the motion is granted, and the judge with the higher case number consents in writing, then the branch with the lower numbered case shall retain, hear and determine consolidated actions.

- b) **Submission of Documents to Opposing Counsel**
 - i) **Proposed orders, etc.**
 - (1) Unless the Court shall otherwise direct, any proposed Order, Findings, Conclusions of Law or Judgment submitted to the court shall be simultaneously submitted to opposing counsel. Any objections shall be made in writing within 5 days as defined by law or be deemed waived. Any such objection shall specifically describe the objectionable part of the proposed documents and the moving party's proposed alternative.
 - (2) This "5 Day Rule" will not apply to defaulted parties. Defaulted parties do not have the right to object to substantive matters absent motion to the court.
 - ii) **Documentary Exhibits**
 - (1) Whenever documentary exhibits are presented by counsel during evidentiary hearings or trial, legible copies shall be provided to all counsel of record and to the Court. Legible copies shall be submitted to opposing counsel before submitted as evidence to the Court.

- c) **Pre-Trial Practice**
 - i) **Attorneys**
 - (1) Trial counsel must appear in person at the final pre-trial conference. The attorneys appearing at the final pre-trial conference shall have full authority to enter into stipulations, including settlement. Counsel shall be prepared to fully address themselves to all of the items required by local rules, statutes, or the scheduling order. Counsel representing parties shall be prepared to address settlement status at all pretrial conferences by having obtained: specific settlement authority, telephone access to the party arranged prior to the appearance, or the presence of the party at the courthouse.
 - ii) **Discovery**
 - (1) Form of Discovery Responses: An objection or an answer to an interrogatory shall reproduce the interrogatory to which it refers. A response or an objection to a request for admission shall reproduce the request to which it refers. A response or an objection to a request for production of documents shall reproduce the request to which it refers.
 - iii) **Limitation of Interrogatories**
 - (1) No party may serve more than a total of 75 interrogatories in any case upon any other party without the prior order of the Court. For the purpose of computing the number of interrogatories served:
 - (a) Each subpart of an interrogatory shall be construed as one interrogatory;

- (b) Parties represented by the same attorney or law firm shall be regarded as one party;
 - (c) Interrogatories inquiring about the names and location of parties, expert witnesses and other persons having knowledge of discoverable information, or about the existence, location, or custodian of documents or physical evidence shall not be counted toward the 75 interrogatory limit.
- (2) If a party believes that additional interrogatories are necessary, he or she should promptly consult with the party to whom the additional interrogatories would be propounded and attempt to reach a written stipulation as to a reasonable number of additional interrogatories. If a written stipulation is reached, the stipulation and a proposed order permitting the propounding of additional interrogatories should promptly be served on all other parties and filed with the Court for Court consideration. If a stipulation cannot be reached, the party seeking to serve additional interrogatories may move the Court for permission to serve additional interrogatories. The motion shall show the necessity for the relief requested.
- (3) All motions to compel discovery or production of documents pursuant to the Wisconsin Statutes governing civil procedure, or any motion to serve additional interrogatories must be accompanied by a statement in writing by the movant that, after consultation in person or by telephone with the opposing party and sincere attempts to resolve their differences, the parties are unable to reach an accord. The statement shall recite, in addition, the date and place of such consultation and the names of all parties participating therein.

d) Adjournments

i) Permission Required

- (1) No adjournment of any proceeding will be granted without specific permission of the Court. Requests to adjourn must be made to the Court in writing, shall state the reason for the request for adjournment and shall state whether the opposing party consents to adjourn. The requesting party shall provide a copy of any such written request to all other parties or, if represented, their attorneys. If no objection is filed within five days, the Court may grant the requested adjournment, in its discretion, on that basis alone. Any objection to adjournment must be provided to all other parties or, if represented, their attorneys, and shall indicate on its face that copies have been so provided.

ii) Telephonic requests

- (1) Telephone requests for adjournments may be made only the adjournment is not stipulated to by all parties. It is the responsibility of the requesting party to arrange for a conference call by all parties with the Court's judicial assistant upon approval by the Court.. This conference shall be expedited, as required by law.

PROCEDURES SPECIFIC TO SMALL CLAIMS PRACTICE

a) General

- i) A guide to Small Claims procedures is available from the Clerk of Courts and is available online at www.wicourts.gov.
- ii) Small claims return dates and pretrial conferences are generally heard by a Circuit Court Commissioner.
- iii) Service shall be as set forth in s. 799.12 Wis. Stats, except the court does not authorize service as set forth in s.799.12(2) and (3) Wis. Stats.

b) Return Date and Appearances

- i) At the return date, the entire roll (calendar) will be read. Each party shall be required to announce their appearance when their case is called. Defendants are required to state whether they contest the allegations in the complaint at the time their case is called.
- ii) Personal appearances by all parties and/or their attorneys are required at the time of the return date unless permitted to appear remotely. The filing of written answers to the small claims

Summons/Complain form does not alleviate this requirement. Corporate parties shall appear by a lawyer or a full-time employee or as otherwise required/permitted by law.

- c) **Default Judgment and Dismissals**
 - i) If a defendant does not appear at the time of the reading of the calendar, default judgment will be entered against the defendant as determined by the Court upon the filing of proof of service of the Summons and Complaint, Declaration of Non-Military Service, and Affidavit of No Answer within 30 days. If these three documents are not filed within 30 days, the case will be dismissed.
 - ii) If the plaintiff does not appear at the time of the reading of the calendar, the matter will be dismissed, without prejudice.
 - iii) Plaintiffs may dismiss the matter at any time before the return date without leave of the Court. It is the plaintiff's responsibility to notify the defendant not to appear on the return date if the case is dismissed prior to the return date.

- d) **Pre-Trial Conferences**
 - i) If a defendant appears at the return date and contests the action, the parties shall participate in a Pre-Trial Conference immediately following the reading of the calendar. All participants shall come to the Pre-Trial Conference with full authority to settle the matter or otherwise enter into compromises or stipulations on behalf of themselves or the parties for whom they are appearing.

- e) **Adjournments**
 - i) **Permission Required – See General Section 7. a.**
 - ii) Telephonic requests for adjournments may be made only if the adjournment is by stipulation of all parties. It is the responsibility of the requesting party to arrange for a conference call by all parties with the Clerk of Courts-Small Claims Division for rescheduling.

- f) **Remote Appearances**
 - i) **Permission Required – See General Section 3.**

- g) **Eviction Actions**
 - i) If the complaint requests both eviction and money damages but the money damages portion of the claim is not fully ripe for hearing due to the tenant not vacating the premises or other reason, the matter will be bifurcated. First the Court will resolve the eviction matter. If a Judgment of Eviction is granted, the Court will schedule a return date on the money damages claim approximately 30-60 days after the tenant vacates. At least one week prior to the return date on the money damages claim, the landlord shall file a damages list, including a specific itemization of the money damages sought with the court and must send a copy to the tenant at least seven (7) calendar days prior to the return date on the money damages claim. The landlord shall prepare and file an Affidavit of Mailing of the damages list.

- h) **Garnishments**
 - i) Personal service on the Garnishee Defendant and the Judgment Debtor is required for all non-earnings garnishment actions. Proof of service must be filed with the Court before any proceeds can be released.
 - ii) Mail service for Earnings Garnishment is permitted.
 - iii) All subpoenas for agencies or financial institutions shall be delivered to the assigned Circuit Court for review prior to the subpoena being issued.

FAMILY COURT RULES

1) EX PARTE PRACTICE

a) Affidavit of Party, Fact Witness or Expert Witness Required

- i) Motions for *ex parte* orders shall be accompanied by one or more affidavits of a party, lay witness, or expert witness based upon facts of record or alleged in proper affidavits justifying the issuance of the proposed order. Affidavits of only attorneys are not sufficient.

b) Order Shortening Time for Notice of Hearing

- i) The proposed *ex parte* order shall include an order shortening time for notice, and if the order is granted, the Court shall set the matter for hearing within five (5) days. The parties may agree to continue the *ex parte* order and set a later hearing date.

TEMPORARY ORDERS HEARING

- a) Each party shall file a preliminary Financial Disclosure Statement, with attached documentation of income, on, or before the date of the hearing. If a party fails to file a preliminary Financial Disclosure Statement, the Court may accept the other party's financial statement, or continue the matter for further hearing, and assess costs and/or fees.

PRE-TRIAL PRACTICE

a) Case Status Reports

- i) If a party is represented by an attorney, the attorney shall file a Case Status Report within 90 days of service of the Summons and Petition. The Court uses the Case Status Reports to enter pre-trial orders regarding appraisals, mediation, appointment of Guardian ad Litem, and future scheduling.

b) Pre-Trial Conferences/Stipulated Divorce (Legal Separation) Hearings (SDPTC)

- i) If the parties are unrepresented at the time of issuance of the scheduling order (upon filing of a joint petition or upon receipt of proof/admission of service), the Court will issue a Scheduling Order and will schedule the parties for a Pre-Trial Conference approximately 120 days after the date of filing the Joint Petition or date of service. If one or both one or both of the parties are represented and the attorneys fail to file a Case Status Report as ordered, the Court will schedule a Pre-Trial Conference. If the parties file a completed Marital Settlement Agreement prior to or at the Pre-Trial Conference and the Marital Settlement Agreement is approved, the Court will convert the Pre-Trial Conference to a Stipulated Divorce/Legal Separation Hearing.

c) Appraisals

- i) If the parties cannot agree on property values, including real estate, personal property, or retirement accounts, the Court may appoint an appraiser. The written appraisal shall be admitted into evidence without testimony by the appraiser unless there is a timely objection filed.

d) Discovery Proceedings

- i) Form of Discovery Responses: An objection or an answer to an interrogatory shall reproduce the interrogatory to which it refers. A response or an objection to a request for admission shall reproduce the request to which it refers. A response or an objection to a request for production of documents shall reproduce the request to which it refers.
- ii) Motions regarding discovery and/or for sanctions for failure to comply with discovery shall be heard before the court official scheduled to preside at the upcoming hearing.
- iii) All motions to compel discovery or production of documents pursuant to the Wisconsin Statutes governing civil procedure, or any motion to serve additional interrogatories must be accompanied by

a statement in writing by the movant that, after consultation in person or by telephone with the opposing party and sincere attempts to resolve their differences, the parties are unable to reach an accord. The statement shall recite, in addition, the date and place of such consultation and the names of all parties participating therein.

e) Limitation of Interrogatories

- i) No party may serve more than a total of 75 interrogatories in any case upon any other party without the prior order of the Court. For the purpose of computing the number of interrogatories served:
 - (1) Each subpart of an interrogatory shall be construed as one interrogatory;
 - (2) Parties represented by the same attorney or law firm shall be regarded as one party;
 - (3) Interrogatories inquiring about the names and location of parties, expert witnesses and other persons having knowledge of discoverable information, or about the existence, location, or custodian of documents or physical evidence shall not be counted toward the 75 interrogatory limit.
- ii) If a party believes that additional interrogatories are necessary, he or she should promptly consult with the party to whom the additional interrogatories would be propounded and attempt to reach a written stipulation as to a reasonable number of additional interrogatories. If a written stipulation is reached, the stipulation and a proposed order permitting the propounding of additional interrogatories should promptly be served on all other parties and filed with the Court for Court consideration. If a stipulation cannot be reached, the party seeking to serve additional interrogatories may move the Court for permission to serve additional interrogatories. The motion shall show the necessity for the relief requested.

f) Financial Mediation

- i) If the parties are unable to reach an agreement resolving all financial issues (property division, debt division, or maintenance), the Court will order the parties to attend financial mediation prior to routing the matter for a contested final hearing. The parties shall attend and cooperate in the mediation process if ordered. Any party failing to engage or cooperate in the mediation process is subject to sanctions. There may be very limited circumstances in which the requirement for financial mediation is waived and such waivers are at the discretion of the court.

g) Trial Scheduling

- i) If the parties do not have an agreement resolving all issues, and mediation was not successful, the Circuit Court Commissioner will hold one final Pre-Trial Conference. At the Pre-Trial Conference a Final Status/Scheduling Conference will be scheduled with the assigned Circuit Court. Deadlines will be established for submission of witness lists, discovery, document exchange, motions in limine, and pre-trial reports.

ADJOURNMENTS

- a) **Permission Required – See General Section 7. a.**

REMOTE APPEARANCES

- a) **Permission Required – See General Section 3.**

SUBMISSION OF ORDERS –

- a) The Court assigns the responsibility of drafting the Findings and Orders. The party or attorney assigned to draft the Findings and Orders shall submit the document to the Court within ten (10) business days after the hearing or earlier if so directed by the Court. If the party or attorney responsible to submit the Findings and Orders fails to do so within the time assigned by the Court, the Court will send one reminder letter to the individual to file the document within five (5) business days. If the party or attorney responsible to submit the Findings and Orders fails to do so after receiving the reminder, the

Court may reassign the responsibility to submit the Findings and Orders and assess costs to the party or attorney originally assigned.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT

- a) The Court assigns the responsibility of drafting the Findings of Fact, Conclusions of Law and Judgment. Findings of Fact, Conclusions of Law and Judgment shall be submitted within 30 days of the date of final hearing and shall include the approval of the opposing party, if possible. If the opposing party fails to timely approve the proposed Findings of Fact, Conclusions of Law and Judgment, or in the event of a default judgment, the document may be submitted to the Court on a five (5) day objection period.

POST-JUDGMENT PRACTICE

- a) **Matters Heard by the Circuit Court Commissioner.**
 - i) The Circuit Court Commissioner hears all post judgment motions regarding legal custody, physical placement, child support, maintenance, and family support.
- b) **Matters Heard by the Assigned Circuit Court Judge**
 - i) If a motion to enforce orders concerning division of property and/or debts or motions for relief from judgment are filed, the Circuit Court Commissioner will hold a pre-trial conference with the parties. At the pre-trial conference, the Commissioner will review the matter, hear arguments, and make a determination if the moving party established a *prima facie* case upon which relief can be granted. If it is determined a *prima facie* case has been established and the parties are unable to reach an agreement to resolve the matter at the pre-trial conference, the matter will be routed to the assigned Circuit Court Judge for evidentiary hearing.

LEGAL CUSTODY AND PHYSICAL PLACEMENT

- a) **Parent Education Program**
 - i) In new actions for divorce and legal separation with a minor child(ren) under the age of 16, the Court shall order the parties to complete a parent education course unless the parent completed the course in a separate action within one (1) year or upon waiver by the court. If the parent completed the course in a separate action within one (1) year, it is the responsibility of the parent to request a waiver based upon prior attendance.
- b) **Mental Health Evaluations or Assessments**
 - i) If a party requests a mental health evaluation or assessment be conducted at county expense:
 - (1) The requesting party shall file a motion or stipulation with the Court asking for an evaluation or assessment.
 - (2) The motion or stipulation shall address the reasons and need for the proposed evaluation or assessment, the proposed evaluator, the availability of the evaluator, and the cost of the evaluation or assessment. If available, the motion or stipulation shall include a letter from the proposed provider stating the nature, scope, purpose, cost, and any other material terms upon which the provider agrees to conduct the evaluation or assessment.
 - (3) If the Court grants the request for a mental health evaluation or assessment at county expense, the Guardian ad Litem (GAL) is authorized to incur the expense in the GAL's next billing statement or the GAL may request payment by the County directly to the evaluator.
- c) **Review of Family Court Services (FCS) File**
 - i) Unless the FCS evaluator conducting a legal custody/physical placement study is called to testify at a hearing prior to trial, the FCS file is not subject to review by the parties or counsel until after the report has been filed. A party requesting to review the FCS file shall schedule an appointment with

the FCS evaluator to review the file. Although copies can be made at a cost, a party or attorney is not permitted to take pictures of any document or photo within the file.

d) Deposition of FCS Evaluator and Court Appointed Experts

- i) The FCS evaluator conducting a legal custody/physical placement study, or court-appointed mental health evaluator shall not be deposed before the report is filed. The attorney requesting the deposition shall review the file prior to the deposition. The party deposing the FCS evaluator or court-appointed mental health expert shall pay the full cost of such deposition including the fees, if any, of the mental health expert being deposed, in advance if required by the witness. Such depositions shall be limited to three (3) hours, subject to additional time upon stipulation or order of the Court.

DE NOVO MOTIONS

- a) **See General Section 8.**

PROBATE COURT RULES

1) JURISDICTION OF THE PROBATE COURT

- a) Probate actions under Chapters 851 through 879 Wis. Stats.
- b) Guardianship and Protective Placement/Services under Chapters 54 and 55, except some guardianships of the person for a minor pursuant to Wis. Stats. 48.977 that are subject to juvenile court jurisdiction.
- c) Trusts Actions under Chapter 701 Wis. Stats.
- d) Involuntary mental, drug, and alcohol commitments (civil commitments) under Chapter 51 Wis. Stats.
- e) Adult Adoptions under Chapter 882 Wis. Stats.

DOCUMENT PREPARATION

- a) If any of the local rules in this section are not complied with the Register in Probate Office may refuse to receive and file them.
 - i) All papers submitted shall be typed or legibly handwritten
 - ii) All papers shall be filed on 8 ½ by 11” paper with the exception of testamentary documents (will, codicils, etc.) and printed on one side only
 - iii) All forms shall be the uniform circuit court forms where available
 - iv) A proposed order shall be filed as a separate document
 - v) All proposed orders submitted electronically shall be submitted in Word format

ESTATE MATTERS

a) Wills, codicils, and any other testamentary documents

- i) Wills, codicils, and/or any other testamentary documents of a decedent which will not be subject to any probate proceeding shall be filed with an Affidavit of No Probate. Failure to file the Affidavit of No Probate with the testamentary document may result in the Register in Probate refusing the filing.
- ii) The Affidavit of No Probate shall contain the following information:
 - (1) Name of the decedent
 - (2) Date of death of the decedent
 - (3) Date of birth of the decedent
 - (4) Date of the will, codicil, and/or any other testamentary document
 - (5) Address of the decedent at the time of his or her death, this address shall include the city, town, or village, and zip code.
 - (6) How the petitioner is interested with the decedent; and
 - (7) The reason there is no reason to probate the will, codicil, and/or other testamentary document.

b) Special Administration

- i) Sections 867.05(5) and 867.07 through 867.21 Wis. Stats. will be strictly interpreted by the Court.
- ii) A Proof of Heirship shall be filed with all opening documents for Special Administrations. The Judge, Court Commissioner or the Register in Probate may waive this requirement if good cause is shown.
- iii) The special administrator must file an inventory and pay the statutory filing fee if they come into control of any assets. This requirement will be waived if the special administration is converted to a formal or informal administration.
- iv) A special administration will not be granted solely for the transfer of assets to a revocable living trust, unless the total assets are equal to or less than \$50,000.00. If the total assets are greater than \$50,000.00, then an informal or formal administration shall be initiated.
- v) The special administrator or attorney for the special administrator shall file a status letter with the Probate Court every 6 months. If the special administration involves civil litigation, the status letter shall include an update of the civil litigation, including the next court date and date of possible resolution.

c) Summary Settlements and Summary Assignments

- i) A Proof of Heirship shall be filed with all opening documents for Summary Settlement or Summary Assignment.

d) Hearing or Waiver of Hearing

- i) A court hearing is not required when waivers are filed for all interested parties
ii) Hearings may be held on notice or on waiver at the request of the attorney for the estate, personal representative, or by order of the Probate Court.

e) Closing Estates

- i) A final account is not required in an Informal Probate Administration.
ii) When a final account is not contested by any persons then interested in the estate, swearing under oath by the personal representative to the correctness and legality of the final account will satisfy the court pursuant to s.862.15 Wis. Stats, without the presentment of canceled checks or other proof of disbursements made.
iii) A Wisconsin Closing Certificate for Fiduciaries must be filed with the court prior to the closing of the estate, unless the court waives the requirement upon the petition of the attorney for the estate or the personal representative.
iv) (A Federal Estate Tax Closing Letter and a Wisconsin Certificate Determining Estate Tax must be filed with the court prior to closing any estate required to Federal Estate Tax Return.
v) In an Informal Probate Administration, the Personal Representative's Statement to Close Estate (Form PR-1816) will not be accepted by the Register in Probate unless all other documents to close the estate have been filed PRIOR TO OR AT THE SAME TIME as the Personal Representative's Statement to Close Estate. The Personal Representative's Statement to Close Estate shall be the final document filed.

f) Extensions of Time to Close Estates

- i) All estates shall be closed within fourteen (14) months of the filing of a Petition for Formal Administration or an Application for Informal Administration. When an estate cannot be closed within the statutory or prescribed time limits, a Petition for Extension shall be filed with the Court. A proposed order must also be submitted. The Register in Probate will determine if a hearing is necessary or if the Register in Probate will grant or deny the Petition without a hearing.

GUARDIANSHIP, CONSERVATORSHIP, AND PROTECTIVE PLACEMENT

a) Interested Parties

- i) In all privately filed petitions for guardianship and protective placement, the Jefferson County Corporation Counsel shall be an interested party.

b) Minor Guardianship Questionnaire

- i) In addition to all the uniform court forms, the petitioner shall file a Jefferson County Minor Guardianship Questionnaire with the initial petition for minor guardianship. The Questionnaire is available at the Register in Probate Office.

c) Access to File

- i) In addition to the parties specified in s. 54.75, 51.30, or 55.22 Wis. Stats, the following parties may be granted access to the files:
(1) Title Insurance and Abstract Companies, by their duly licensed agents and representatives, may have limited access to information contained in guardianship files. Access is limited to records showing the appointment or discharge of a guardian, inventories, annual accounts, and proceedings regarding the sale, lease, exchange, or encumbrance of real estate belonging to the ward;

- (2) Bonding companies, by their duly licensed agents and representatives may have limited access to information contained in guardianship files. Access is limited to records showing the appointment or discharge of a guardian, inventories, and annual accounts.
- (3) Facilities in which a ward resides, by their agents and representatives may have limited access to information contained in guardianship files. The facility must provide the Register in Probate a written document explaining why they need the Information. Access is limited to records showing the appointment or discharge of a guardian.
- (4) Others may obtain access, subject to necessary limitations, by court approval only.

d) **Termination of Guardianship**

- i) Upon notification to the court of the death of a ward, or upon the ward reaching the age of eighteen (18), the Register in Probate shall send a letter to the guardian informing them of the forms the guardian will need to complete and file to terminate the guardianship.
- ii) Upon receipt of the letter from the Register in Probate, the guardian shall have thirty (30) days in which to complete and file the forms necessary to terminate the guardianship and have the guardian discharged. Upon request from the guardian, the Register in Probate may granted additional time to complete the forms.
- iii) If a petition to terminate guardianship is filed stating the ward is now competent a court hearing will be scheduled. A Guardian ad Litem will be appointed and an examining expert may be appointment.

CIVIL COMMITMENT MATTERS

a) **Appointment of Guardian ad Litem (GAL)**

- i) The court shall appoint a GAL for all minors subject to a civil commitment.
- ii) Any GAL appointed for a minor in a civil commitment matter shall remain active in the case until discharged by the court, or the case concludes without a petition for extension.
- iii) Any GAL appointed for a minor in a civil commitment matter shall file a Statement of GAL (JD-1799) at least twenty-four (24) hours prior to the final hearing.

CRIMINAL COURT RULES

1) PRE-TRIAL CONFERENCES

- a) Pre-trial conferences shall be conducted at the District Attorney's Office, room 225, on Wednesdays. Pre-trial conferences are not conducted in CT cases. Unrepresented defendants shall appear in person. Defendants who are represented by counsel shall either accompany their counsel or be available by telephone at the time scheduled. Both parties shall be prepared to negotiate the case to resolution. If a defendant does not appear in person or is not available by phone at the scheduled pre-trial conference, then the case shall be called on the following day's criminal intake calendar to determine whether a bench warrant should issue.

MOTIONS

- a) Pre-trial motions, including without limitation, motions to suppress evidence under § 971.31(2), Wis. Stats.; Miranda-Goodchild motions under § 971.31(3), Wis. Stats.; motions to introduce character or other acts evidence under § 904.04, Wis. Stats.; and motions to exclude or limit expert testimony under the *Daubert* standard, must be filed and heard prior to the date of the Final Status/Scheduling Conference. It is the responsibility of the moving party to schedule the hearing on the motion and to provide at least five (5) business day advance written notice to the other party. Brief motions *in limine*, which will take fifteen (15) minutes or less, may be filed at or before the Final Status/Scheduling Conference.

ADJOURNMENTS

- a) Any request to change a scheduled hearing date or time must be preceded by-and include a detailed description of-the efforts to obtain agreement from any other party. All adjournment requests must indicate whether the Victim's Rights Law has been complied with. If the party requesting the change fails to include the required detailed description, the request will be considered summarily denied and there will be no further action taken by the Court's Judicial Assistant or the Court.

ATTORNEY OF RECORD

- a) An attorney who represents a defendant shall file with the Court and the District Attorney a notice of retainer or order appointing counsel as soon as practicable.
- b) An attorney who intends to withdraw as counsel of record shall first file a written motion and schedule the matter for hearing with notice to the Court, the State and the defendant. Withdrawal and/or substitution by an attorney may be accomplished by written stipulation if agreed to and signed by all attorneys, the defendant, the State and approved by the Court.

HAZARDOUS PHYSICAL EVIDENCE

- a) If a party intends to produce potentially hazardous physical evidence at a trial or other hearing (e.g. biological specimens, objects which contain bodily fluids, dangerous drugs, dangerous weapons), it shall be the responsibility of that party to provide for the safe presentation, handling and storage of said evidence. This rule requires that, without limitation by enumeration, said party make reasonable and safe provision for any witnesses, attorneys or Court personnel who are likely to have physical contact with such potentially hazardous physical evidence. Upon introduction of said evidence, management of exhibit(s) shall be the responsibility of the clerk pursuant to local procedures.

PLEA HEARINGS

- a) It is the responsibility of defense counsel to complete the Plea Questionnaire/Waiver of Rights form (CR-227) with the defendant prior to the scheduled time of the plea hearing. Defense counsel shall attach to the form a copy of the Wisconsin Criminal Jury Instruction along with a signed Criminal Case Settlement form if applicable, for any crime to which a plea will be entered. For cases involving the following misdemeanor offenses, the local court form (copies of which are available in the courtroom)

listing the offense elements and penalties may be used in lieu of a copy of the Wisconsin Criminal Jury Instruction: OWI/PAC, Issuance of Worthless Check, Bail Jumping, Obstructing, Carrying Concealed Weapon, Possession of THC, Drug Paraphernalia, Disorderly Conduct, Battery, Criminal Damage to Property, Theft, Retail Theft.

SANCTIONS

- a) Violation of any rule is punishable at the court's discretion:

HUBER PRIVILEGES & COMMUNITY SERVICE WORK

- a) BEING SATISFIED IN THE PREMISES, IT IS HEREBY ORDERED that when a Circuit Court in Jefferson County sentences a defendant to imprisonment in the county jail, and allows release on Huber privileges, those privileges include community service work allowed under § 973.03(3), Wis. Stats. The defendant earns good time at a rate of one day for each three days of work performed equal to eight hours. This community service work may be performed for a public agency or nonprofit charitable organization. This community service work option must be agreed to by the defendant and the organization or agency. The defendant must be provided a written statement of terms of the order. Only prisoners eligible under § 973.03, Wis. Stats., and jail rules are eligible for the community service option.

VICTIMS' RIGHTS

- a) In order to comply with Wis. Const. art. 1, § 9m(2) and § 950.04(1v)(ag), Wis. Stats., the court may order victim or witness name and other identifying information sealed at the time of initial appearance or other proceedings upon written motion filed prior to, or, at the time of hearing. A party may file written objection within five (5) business days after a signed order is filed with the court. The court shall hold a hearing as soon as practical upon any such objection.

JUVENILE COURT RULES

Case Assignment is determined by the Jefferson County Judicial Case Assignment Plan.

1) CUSTODY HEARINGS

- a) Custody status hearings are to be heard in the Branch with original jurisdiction over the child/juvenile. However, if the court is unavailable within the time periods required by statute, the custody status hearing is assigned to another judge or magistrate within the civil/family/juvenile rotation.

LEGAL REPRESENTATION FOR MINORS

a) Jefferson County Guardian *ad Litem* (GAL)

- i) A Jefferson County contract GAL is appointed by standing order in Juvenile Court proceedings requiring a GAL for the child who is the subject of the proceedings, in the following cases: Children alleged or adjudicated in need of protection or services; juveniles alleged or adjudicated in need of protection or services; involuntary terminations of parental rights. The Jefferson County contract GAL is appointed by standing order, unless the court designates a private attorney.

b) Notification of Appointment

- i) Private Attorney Notifications: Upon the court's appointment of a private attorney as adversary counsel or guardian *ad litem*, the Clerk of Court shall notify the attorney appointed and process such order and consent forms as may be required. The appointment is effective upon the attorney's statement to the clerk that he or she accepts the appointment. Such consent forms as are required shall be executed as soon thereafter as practicable.
- ii) Jefferson County Contract Guardian *ad Litem* Notification: Notice and effectuation of the appointment of the Jefferson County contract GAL shall be by service of the pleadings and documents. Post e-filing, upon receiving a copy of the Order Appointing GAL, pleadings and documents will be available upon opt-in.

c) Termination of Appointments/Re-Appointments and Continuing Appointments

- i) Termination of Appointments: Unless otherwise extended, the appointment shall terminate upon entry of the order concluding the court proceeding initiated by the pleading which resulted in the GAL appointment. If there is an appeal in which the Guardian *Ad Litem* participates, the appointment shall terminate upon termination of the appeal. A continuing appointment by virtue of out of home placement shall terminate upon the legally effective date of a change in placement to the home of a parent or by specific order of the court.
- ii) Re-Appointments: After termination of the appointment, re-appointment for post-dispositional proceedings shall be as set forth as determined by the court.
- iii) Continuing Appointments: If an order provides for out of home placement, the appointment shall continue for GAL and Adversary Counsel. The appointment continues while the order for out of home placement remains in effect, for purposes specified by the court. The court may appointment contract counsel or other counsel, in the court's discretion.
- iv) Petition for Termination of Parental Rights by GAL: A GAL shall petition the court for permission to file a Petition for Termination of Parental Rights.

d) Documents to be Served

- i) The following shall be served upon the GAL: copies of all pleadings resulting in the appointment of a GAL, all documents filed with such pleadings, and for pleadings filed by or at the request of the Human Services Department, the records upon which the Department specifically relies in making the request or filing the pleading.

e) **Special Costs Incurred by Court Appointed Attorneys/GAL**

- i) Except for examination pursuant to §48.295 Wis. Stats., if a court appointed attorney/GAL wishes to utilize an expert witness or otherwise incur an unusual expense, including but not limited to depositions, unless the expense is otherwise provided or previously authorized, the following rules and procedures shall be followed:
- ii) **Request for Fees:** The attorney/GAL seeking to incur such expenses shall submit a request either orally in court or by motion and affidavit, stating the purpose and amount of the expense, and the hourly rate of the expert, if any.
- iii) **Court's Ruling:** The court may rule on the request at the hearing at which it is made, or, if the request is by motion and affidavit, without hearing unless the court determines that a hearing on the issue is appropriate. However, the sole purpose of such hearing is the court's supervision and administration of the costs of the court appointed legal representation. All parties and counsel of record are entitled to notice and attendance at such hearing. Attendance of parties and counsel may be waived.
- iv) **Expert Fees:** Fees for psychiatrists, psychologists, social workers and court reporters, including travel expenses, shall be reimbursable within the limits set by the Jefferson County Circuit Court from time to time, or as otherwise determined by the judge in the individual case.

LEGAL REPRESENTATION FOR PARENTS

- a) Unless already required by statute, the Juvenile Court Judge shall have the sole discretion to appoint attorneys to represent parents in juvenile and children in need of protection and placement matters. Those appointments shall continue if the order provides for out of home placement unless terminated at the discretion of the Judge.

SCHEDULING OF HEARINGS

a) **Plea Hearings and Pre-Trial Conferences**

- i) When a petition is contested, a pre-trial conference date will be scheduled. Pre-trial conferences may be conducted **virtually or at the District Attorney's or Corporation Counsel's Office.**

b) **Deferred Prosecution/Consent Decree Hearings**

- i) In the event that all parties agree to resolve a case by Deferred Prosecution or Consent Decree, a date will then be scheduled for hearing on the Deferred Prosecution/Consent Decree. This date will normally be the same date as the fact finding hearing date, if one has been scheduled. The District Attorney's Office **or Corporation Counsel's Office** will inform the court that a Deferred Prosecution/Consent Decree hearing should be scheduled. All parties are required to appear at the Deferred Prosecution/Consent Decree hearing. If the court determines that a Deferred Prosecution/Consent Decree is not appropriate, then the court will reschedule a fact finding hearing or other appropriate hearing. Nothing in this section shall be construed to prohibit any party from moving the court to revoke, modify or extend the Deferred Prosecution/Consent Decree as provided by Chapters 48 and 938, Wis. Stats.

c) **Pre-Hearing Practice**

- i) All attorneys of record shall communicate with each other and the Judicial Assistant as soon as practical regarding the amount of time needed for a hearing.

d) **Waiver Hearing Time Limits**

- i) Time requirements applicable to plea hearings on delinquency petitions shall apply to initial appearance hearings on waiver petitions.

- e) **The Chapter 48 and 938 Juvenile Judge(s) shall conduct “Quarterly Judicial Reviews”** of each case involving out of home placement. The review shall be by hearing providing notice to all parties, placement providers and may be held virtually at the discretion of the Court. The “Quarterly Judicial Review” may be removed from the calendar at the discretion of the Court on a case by case basis. As calendaring allows “Quarterly Judicial Reviews” should be set as close to 3 month intervals in all out of home placement cases.
- i) The Quarterly Review hearings will be conducted by the Court and will address the following:
- (1) Identified safety or services available to address safety concerns
 - (2) Conditions to address safety
 - (3) Services provided
 - (4) Progress made by parent(s) and child(ren)
 - (5) What Department will do to assist parents prior to next hearing
 - (6) Parental expectations prior to next hearing
- f) **Permanency Plan Reviews §48.38(5) Wis. Stat.**
- i) The Permanency Plan (bi-annual) Reviews will be held by the Court. The Court shall review the permanency plan for each child. By agreement of the parties and Court, the reviews may be held virtually.
- (1) The purpose of the Court holding the reviews is to ensure reunification of the child(ren) to his or her family whenever safely appropriate, or that the child(ren) is/are placed quickly in a home providing long term stability and permanency. Also, to ensure the Agency is fulfilling its role in achieving goals of the plan and to keep parents, guardians, and the child(ren) involved in achieving goals.
 - (2) Consistent with state statutes, if reasonable efforts are required, the plan must be Judicially Reviewed no later than 6 months after the child(ren) is/are removed from the home and every 6 months thereafter, for so long as the child(ren) is/are in out of home placement. Specifically, the Department shall request in writing to the Court the Judicial Review one month before it is required by law. The annual 12 month Review may qualify as the 6 month Judicial Review.

DISPOSITION

a) Court Report

- i) The department shall prepare a written report for use at all hearings on disposition and shall file this report with the Clerk of Court and shall also deliver copies of said report to the District Attorney’s or Corporation Counsel’s office, the child, the child’s parents, the GAL, and counsel of record. All copies are to be filed/delivered no later than 2 working days prior to the hearing.

b) Waiver of Court Report

- i) All parties may waive their right to a formal written court report if the disposition recommendation does not include an out of home placement, including children presently placed out of their home by a previous dispositional order. The case will then proceed to short form/oral disposition.

c) Contents

- i) In addition to the requirements of §§ 48.33 and 938.33 Wis. Stats., written and oral court reports shall reference by date and document number previous Jefferson County dispositional orders.

d) Payment Responsibility

- i) The social worker will recommend who is to be responsible for payment of a resource or service that the social worker recommends in any court report. It will be the responsibility of other parties, e.g., child or parent’s attorney, to clarify payment issues for resources that they recommend independent of the social worker. It may not be assumed that the funding is available through the Dept. of Human Services, the court or the county, for payment of services ordered by the Juvenile Court.

TERMINATION OF PARENTAL RIGHTS

a) GAL deposit

- i) Pursuant to § 48.41 Wis. Stats., private petitioners will pay a ~~\$250~~ **\$500** non-refundable guardian *ad litem* deposit at the time of filing. If the fees of a private GAL exceed the amount of the deposit, the court will make an order for reimbursement at the final hearing.

b) Written Notice to Parents

- i) Upon making an order for termination of parental rights, the court shall provide the parent or parents whose rights are terminated, if present in the courtroom, with a copy of § 48.432 and § 48.433 Wis. Stats., relative to those provisions. The attorney for the petitioner shall provide any such parent not present in court at the time the order is made with such copies at his or her last known address by regular first class mail, together with a copy of the order.