

Buffalo County

(Seventh Judicial District)

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Facsimile Transmission of Documents to the Court

Local Court Rule 2007-02

WHEREAS §801.16(2), Wis. Stats, authorizes a court by local court rule to permit filing of papers with the clerk of circuit court by facsimile transmission to a plain paper facsimile machine;

IT IS ORDERED the following governs filings of papers by facsimile transmission with the Buffalo County Court:

- A. Papers may be filed with the Clerk of Circuit Court in accordance with the procedures established in §801.16(2)(a), Wis. Stats. The phone number designated by the court shall be the facsimile phone number of the Clerk of Buffalo County Circuit Court.
- B. No filings shall exceed 15 pages in length. A "filing" means the fax cover sheet and all subsequent pages thereafter. If the facsimile transmission exceeds 15 pages, the party or attorney shall certify that the assigned judge or court commissioner has approved the facsimile transmission.
- C. Filing of papers by facsimile with the Clerk of Circuit Court is further governed by the requirements and limitations of §801.16(2)(d), (e) and (f), Wis. Stats.
- D. The fax papers are the official record of the court and may not be substituted. No additional copies may be sent. The Clerk of Circuit Court shall discard any duplicate papers subsequently received. Parties who have transmitted documents by facsimile to the court shall retain in their own files any "original" document that was used for the facsimile transmission. In the event the authenticity of the faxed document is challenged, the party who faxed the document to the Court shall have the burden to show authenticity.
- E. Papers filed by facsimile transmission completed after regular business hours of the Clerk of Circuit Court's office or on holidays or week-ends are considered filed the next business day.
- F. The party transmitting the facsimile document is solely responsible for ensuring its timely and complete receipt. The circuit court judge, court commissioner, or clerk is not responsible for errors or failure in transmission that result in missing or illegible documents or untimely filings, and is not required to notify a party or attorney of errors or failure of transmission.

IT IS FURTHER ORDERED that a copy of this rule shall be sent to the Secretary of the Tri-County Bar Association, the Court Administrator for the Seventh Judicial Administrative District, the State Bar of Wisconsin, the State Law Library, and the Office of the Director of the State Courts. Any person may submit to the Court written comments on this rule for the Court's consideration and determining whether revision of the rule is needed. The Clerk of Court shall print and make available to the public, at cost, this rule.

Pursuant to Sec. 753.35(1), Wis. Stats., the above Buffalo County Local Court Rule is approved.

Effective March 1, 2007.

Authorizing Court to be Held in Mondovi, WI

Local Court Rule 2007-03

WHEREAS §753.24(2), Wis. Stats, authorizes a court by local court rule to permit holding court in a city of the county other than the county seat, and for convenience of litigants and to encourage public participation in the court process it is desirable to hold small claims hearings, hearings before the Family Court Commissioner, and other types of hearing in the City of Mondovi, WI, and;

WHEREAS the Court finds that the Mondovi City Hall has adequate facilities for holding such hearings;

IT IS ORDERED that when sufficient business warrants holding court at that location, court may be held in the City of Mondovi, WI.

IT IS FURTHER ORDERED that a copy of this rule shall be sent to the Secretary of the Tri-County Bar Association, the Court Administrator for the Seventh Judicial Administrative District, the State Bar of Wisconsin, the State Law Library, and the Office of the Director of the State Courts. Any person may submit to the Court written comments on this rule for the Court's consideration and determining whether revision of the rule is needed. The Clerk of Court shall print and make available to the public, at cost, this rule.

Pursuant to Sec. 753.35(1), Wis. Stats., the above Buffalo County Local Court Rule is approved.

Effective March 1, 2007.

Order re: Family Counseling in Divorce Action §767.115

It is hereby ordered that in all Actions Affecting the Family involving minor children as follows:

1. The parents shall enroll themselves and their child/children in an approved educational program concerning the effects on a child of a dissolution of the marriage. The following programs are approved for Buffalo and Pepin Counties:

A Better Beginning
UW-Extension
Buffalo County Courthouse
407 S. 2nd Street
Alma, WI 54610
(608) 685-6256

A Better Beginning
UW-Extension
Pepin County Courthouse

740 7th Ave. West
Durand, WI 54736
(715) 672-5214

The Sandcastles Program
Positive Alternatives, Inc.
603 Terrill Road
Menomonie, WI 54751
(715) 235-9552

2. The program must be completed with a certificate of completion on file before a final hearing may be scheduled.
3. Each parent shall be responsible for one-half of the fee for the program. If one parent advances the entire fee, the other parent is required to reimburse the advancing parent.
4. Any parent who has physical placement of a child shall be responsible for ensuring that such child attends the program if required by the program.

This Order amends the prior Order of the Court dated 2-1-06.

Dated: 6-5-07

Standard Provisions for Support Orders

Local Court Rule 2014-02

WHEREAS, a local court rule being needed for prescribed standard provisions for child support and maintenance orders entered in the Buffalo County Courts or provide uniformity, to provide the parties with notice of certain statutory provisions, and to provide an effective and efficient means of periodic review of support orders and exchange of information between the parties, the following local court rule is adopted:

IT IS ORDERED pursuant to Sec. 753.35(1), any order for child support under Sec. 767.25 or Sec. 48.355, for maintenance under Sec. 767.26, for family support under Sec. 767.261 or any modification thereof entered in Buffalo County on or after March 1, 2008 shall contain the provisions set forth in *Exhibit A, Additional Provisions on Child Support per Local Court Rule* appended to this Order

IT IS FURTHER ORDERED that a copy of this rule shall be sent to the Secretary of the Tri-County Bar Association, the Court Administrator for the Seventh Judicial Administrative District, the State Bar of Wisconsin, the State Law Library, and the Office of the Director of the State Courts. Any person may submit to the Court written documents on this rule for the Court's consideration and determining whether revision of the rule is needed. The Clerk of Court shall print and make available to the public, at cost, this rule.

This Local Court Rule 2014-2 amends and restates Local Court Rule 2008-1 effective April 1, 2014.

Pursuant to Sec. 753.35(1), Wis. Stats., the above Buffalo County Local Court Rule is approved.

EXHIBIT A
ADDITIONAL PROVISIONS ON CHILD SUPPORT PER LOCAL COURT RULE

- 1. METHOD OF PAYMENT:** All child support payments shall be made in cash, by money order or certified check, and made payable to Wisconsin Support Collections Trust Fund.
- 2. INTEREST ON ARREARAGE:** The party shall pay interest at the rate determined by Ch. 767, Wis. Stats. (including any subsequent amendments) on any amount unpaid.
- 3. PAYMENT TO AGE 19:** Said payments shall continue until the minor child shall reach the age of majority or until said child has reached the age of 19 as long as the child is pursuing an accredited course of instruction leading to the acquisition of a high school diploma or its equivalent.
- 4. PAYMENTS AFTER TERMINATION OF SUPPORT:** If a payer's current obligation to pay maintenance, child support, spousal support or family support terminates but the party has an arrearage in the payment of one or more of those payments or in the payment of costs or fees, the payments previously ordered shall remain in effect until all balances are paid.
- 5. ANNUAL RECEIPTING AND DISBURSING FEE:** Any payer shall pay to the Wisconsin Department of Workforce Development an annual receipting and disbursing fee pursuant to §767.57, Wis. Stats. The payer's annual fee shall be paid at the time of, and in addition to, the first payment to the Department in each year for which payments are ordered. Income withholding shall continue until all annual fees are paid in full.

Recipients of child or family support shall pay an annual collection fee pursuant to Wis. Stats. §767.57(1e)(c), to be deducted from child or family support, maintenance, or arrearage payments after the first \$500 is collected for the year.
- 6. INCOME WITHHOLDING:** This Order constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, benefits due under Ch. 102 or 108, lottery prizes that are payable in installments and other money due or to be due in the future to the Wisconsin Support Collections Trust Fund as provided in §767.75, Stats. All income withholding shall continue until all outstanding balances are paid.
- 7. NOTICE OF ADDRESS, EMPLOYER CHANGE:** Both parties shall, in writing, notify the Clerk of Circuit Court, the Buffalo County Department of Human Services –Child Support Unit and the other party of any change of employer or change of address within ten (10) days of such change pursuant to §767.58, Stats.
- 8. NOTICE OF HEALTH INSURANCE POLICY/INFORMATION CHANGE:** Both parties shall, in writing, notify the Clerk of Circuit Court, the Buffalo County Department of Human Services –Child Support Unit and the other party of any change of the availability of health insurance coverage, through employment or otherwise, any change in cost of such coverage and any change in the policy information including changes in benefits, exclusions, deductible and coinsurance amounts. Notice of the changes shall be given within ten (10) days of such change.
- 9. NOTICE OF INCOME CHANGE:** Any payer shall notify the Clerk of Circuit Court, the Buffalo County Department of Human Services –Child Support Unit and the other party within 10 days, of any change of employer and of any substantial change in the amount of his or her income, including receipt of bonus compensation, such that his or her ability to pay child support, family support or maintenance is affected. The notification of any substantial change in the amount of the payer's income will not result in a change of the order unless a revision of the order is sought.
- 10. FINANCIAL RETURN DISCLOSURE:** Pursuant to §767.553, Stats., any party shall complete a financial form within 14 days from the date it is sent to the party by either the Child Support Agency or the Court.
- 11. ANNUAL ADJUSTMENT:** If the child or family support payment is expressed as a fixed sum and based on the percentage standard established by the Department under §49.22(9), it may be adjusted annually based on a change of the payer's income as provided in §767.553, Stats.
- 12. PAYMENT TOWARD ARREARS:** Unless otherwise ordered by the Court, effective on the day a payer becomes more than 60 days in arrears in payment of their support obligation, the payer shall pay \$25.00 per month toward arrearage in addition to current support until all arrearage is paid in full.

Local Rules Governing Small Claims Procedure

Local Court Rule 2014-01

WHEREAS, §§799.12(3) and 799.22(4) permit a court to adopt local rules of procedure for small claims actions under Ch 799;

NOW THEREFORE IT IS ORDERED:

1. **Service by Mail.** Service of summons by ordinary mail through the office of the Clerk of Court is hereby authorized in all small claims court actions in Buffalo County pursuant to §799.12(3), except as provided herein or as otherwise prohibited by law.
 - a. **Eviction Actions** Service by certified mail, return receipt requested, is required in all evictions actions.
 - b. **Personal Judgment** Service by mail to obtain personal judgment shall be limited to Buffalo County.
 - c. Service by mail may not be made to a post office box unless the Plaintiff also provides the recipient's physical address sufficient to identify whether the location is in Buffalo County.
2. **Pleading in Lieu of Appearance**
 - a. Both the plaintiff and defendant must appear in person or by an attorney on the return date of the summons unless a written or telephone appearance is authorized under this rule.
 - b. A defendant may join issue by written answer without appearing on the return date only by complying with all of the following:
 - (1) The defendant must provide an exact copy of the written answer to the Plaintiff. If the copy is delivered to the Plaintiff personally or by fax, such delivery to the Plaintiff must occur at least 24 hours before the return date and time. If such delivery to the plaintiff is by mail, such mailing to the Plaintiff must occur at least 3 business days before the return date and time.
 - (2) By the return date the defendant must file with the Court proof of timely service of the written answer on the Plaintiff.
 - (3) If the defendant does not provide timely service of the written answer on the Plaintiff, or fails to timely file proof of such delivery with the Court, and if the Defendant fails to appear at the return date and time, any written answer may be struck and Judgment may be entered against the Defendant.
 - c. Written answers and proof of service may be filed by fax if they otherwise comply with the fax filing policy.
3. **Telephone Appearances** Telephone appearances may be granted for out-of-state parties, for attorneys representing a party, or for other parties in extenuating circumstances at the discretion of the court if requested in writing before the date of the initial appearance. Parties and attorneys permitted to appear by phone shall call to the Court at the return date and time. If an attorney or a party fails to call into the court by telephone on the return date and time, it will be considered a nonappearance and may result in dismissal or a judgment.
4. **Itemization of Claim** A Plaintiff must provide all figures necessary for computation of the amount due unless such itemization would violate state or federal law. In an action to collect a debt for goods provided or services rendered, the Plaintiff shall at a minimum attach the most recent account statement showing the account number, an account

balance verifying the amount claimed in the complaint, and, if the Plaintiff is not the original creditor, a copy of all assignments.

5. Taxation of Statutory Attorney fees No attorneys fees may be taxed on behalf of any party as a cost under §814.04 unless the attorney or a member of the attorney's staff actually appeared at a hearing in person or by telephone.
6. This rule amends and replaces Local Court Rule 2009-01, effective March 1, 2014.

IT IS FURTHER ORDERED that a copy of this rule shall be sent to the Secretary of the Tri-County Bar Association, the court administrator for the Seventh Judicial Administrative District, the State Bar of Wisconsin, the State Law Library, and the Office of the Director of the State Courts. Any person may submit to the Court written comments on this rule for the Court's consideration and determining whether revision of the rule is needed. The Clerk of Court shall make available to the public a copy of this rule at cost.

Pursuant to Sec. 753.35(1), Wis. Stats., the above Buffalo County Local Court Rule is approved.