

# Calumet County

*(Fourth Judicial District)*

[Rule No. 1: Family Court Commissioner Assignments and Stipulated Hearing Procedures](#)

[Rule No. 2: Juvenile Court Procedure](#)

[Rule No. 3: In the Matter of the Release of Arrestees on Bond By Law Enforcement Agencies](#)

[Rule No. 4: In the Matter of Limiting the Release of Judgment Information](#)

[Rule No. 5: Facsimile Transmission of Documents To the Court July 2001](#)

[Rule No. 6: Jurors, Jury Commissioners and Clerk of Court Authority](#)

[Rule No. 7: Procedure for Filing Case Materials in Out-of-County Judicial Assignments](#)

[Rule No. 8: Calumet County Alcohol Diversion Program Procedure and Penalties](#)

[Rule No. 9: Temporary Detention of Juveniles Found to Be Delinquent](#)

[Rule No. 10: Bond Order - Domestic Abuse Cases March 2002](#)

[Rule No. 11: Expiration of Bonds May 2003](#)

[Rule No. 12: Service of Summons in Small Claims Matters November 2006](#)

[Rule No. 13: Calumet County Local Court Rule 13 August 2013](#)

[Rule No. 14: De Novo Hearings September 2008](#)

[Rule No. 15: Mortgage Foreclosure June 2010](#)

[Rule No. 16: Amendment or Dismissal of Felony cases by the District Attorney March 2012](#)

[Rule No. 17: Mandatory Parenting Education Program September 2012](#)

[Rule No. 18: The Release and Disclosure of the Custody Evaluation and the Case Assessment and Conclusion June 2019](#)

## **Rule No. 1: Family Court Commissioner Assignments and Stipulated Hearing Procedures**

1.0 The purpose of this rule is to codify the existing practice with respect to hearings before the Family Court Commissioner, and to expand the Family Court Commissioner's authority where authorized by statute to relieve the burden placed on the judge by the weight of the caseload.

### 1.1 Paternities:

As authorized by Wisconsin Statutes 767.458 and 767.46, the Family Court Commissioner shall preside over all first appearances and pre-trials in paternity proceedings, and shall determine support and enter judgments if the alleged father voluntarily acknowledges paternity of the child. If paternity remains contested after pre-trial hearings and receipt of blood-test reports, the Family Court Commissioner shall notify the judge actually assigned the case so it can be set for trial.

### 1.2 Divorce Final Hearings:

The Family Court Commissioner, pursuant to Wisconsin Statute 767.13(5)(a), may preside at any hearing held to determine whether a judgment of divorce shall be granted, if both parties state that the marriage is irretrievably broken, and that all issues, including but not limited to division of property or estate, legal custody, physical placement, child support, spousal maintenance, and family support, are resolved, or if one party does not participate in the action for divorce.

### 1.3 Enforcement or Revision of Judgments:

The Family Court Commissioner may, as authorized by Wisconsin Statute 767.13(5)(b), conduct hearings and enter judgments in all post-judgment actions for enforcement of or revision of judgment for maintenance, child support arising out of divorce, paternity, or URESA proceedings, custody, physical placement, or visitation.

## **Rule No. 2: Juvenile Court Procedure**

2.0 Wisconsin Statutes Chapters 48 and 938 are controlling in all juvenile activities.

2.1 All requests for adjournments must be in writing and received no later than 48 hours prior to hearing. Adjournments will be allowed upon showing of good cause for case delay.

2.2 Court reports shall be filed with the juvenile clerk 72 working hours prior to the dispositional hearing. The juvenile clerk shall distribute the copies to interested parties. Failure of the reporting agency to file in a timely manner shifts the burden of copy distribution to the reporting agency. Court ordered psychological evaluations shall be filed as directed by court order and copies shall be distributed by the juvenile clerk to all counsel upon the filing of the report. Counsel who have received copies of reports shall be responsible for maintaining the confidentiality of information contained in the reports distributed to them and the Department shall not be liable for the indiscretions of counsel.

2.3 The Juvenile Clerk's office shall prepare all juvenile dispositional orders within five business days of the dispositional hearing. The court may designate responsibility for the preparation of orders to another party as deemed appropriate.

2.4 an admission questionnaire must be completed prior to the acceptance of any guilty pleas.

2.5 When appropriate, the juvenile clerk shall select a Guardian ad Litem, from a predetermined list, prepare an Order Appointing Guardian ad Litem, obtain the court's signature and, if appropriate, obtain consent from appointed counsel.

2.6 6 Juvenile court records and juvenile intake records are deemed confidential and disclosure of same shall only occur when allowed by Statute and/or court order where required.

2.7 Juvenile case records are the responsibility of the juvenile clerk and are not to be removed from that office without permission of the juvenile clerk or deputy. Intake records are the responsibility of juvenile intake which shall establish procedures for their care and custody.

2.8 Absent a showing of conflict, recoupment of attorney fees will be ordered in all public defender actions by procedure established.

2.9 Effective January 1, 1993 and amended July 20, 1999.

Dated this 29th day of July, 1999.

## **Rule No. 3: In the Matter of the Release of Arrestees on Bond By Law Enforcement Agencies**

Amended 11/19/93

To All Calumet Law Enforcement Agencies:

1. All persons arrested for a misdemeanor, including a misdemeanor traffic offense, shall be eligible for release without a cash bond as provided in the Preamble for the Uniform Misdemeanor Bail Schedule as established by the Wisconsin Judicial Conference (see page 68 of the 1993 Uniform Bond Book) and as amended from time to time unless bail is otherwise set by the court.
2. All persons released by a law enforcement agency with or without the posting of cash bail shall be required to execute an appearance bond on Form COC-82, a copy of which is attached and which may also be revised from time to time. For one arrested for misdemeanors and/or traffic misdemeanors and released on appearance bond, the amount of the signature bond shall be the amount designated in the Uniform Bond Schedule for such offense.
3. When Applicable, bonds shall have the following specific conditions attached:
  - A. If the charge involves the use of a dangerous weapon, the arrestee shall not be allowed to possess a dangerous weapon.
  - B. If the non-traffic related charge involves the consumption of alcohol, the arrestee shall be ordered not to consume alcohol or illegal drugs.
  - C. If the charge involves violence directed at another's person, the arrestee shall be ordered to have no contact with the alleged victim.
  - D. If the charge involves operation of a motor vehicle while under the influence of an intoxicant, the arrestee shall be ordered to maintain absolute sobriety when operating a motor vehicle.
  - E. If the charge involves operating a motor vehicle without a license or privilege to operate, the arrestee shall be ordered not to operate unless lawfully licensed.
4. This order is not intended nor shall it contravene any provision of The Wisconsin Statutes in conflict with any provision of this order.

Dated: November 19, 1993

## **Rule No. 4: In the Matter of Limiting the Release of Judgment Information**

WHEREAS, the Clerk of Courts receives inquiries for information relating to docketed judgments and liens; and

WHEREAS, the release of such information involves additional work and substantial liability for the Clerk of Courts office;

IT IS THEREFORE ORDERED, in the interest of economy and the protection of the County from unnecessary liability that the Clerk of Courts office shall not answer inquiries for information concerning the existence of docketed judgments and liens, and that judgement records will be open to public inspection during normal court business hours.

## **Rule No. 5: Facsimile Transmission of Documents To the Court**

5.1 Facsimile documents transmitted directly to the courts shall be accepted for filing only if:

- a. The circuit court has a facsimile machine capable of reproducing documents that meet Supreme Court Rule 72.01 concerning retention of filed documents. Only plain-paper facsimile machines currently comply with this requirement.
- b. The Circuit Court has a facsimile machine physically located within the offices of the Clerk of Circuit Court or the Register in Probate.
- c. The document does not exceed fifteen (15) pages in length, excluding cover sheet.
- 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. Facsimile filings shall be in compliance with SS 801.16 as amended from time to time.

5.2 Facsimile documents transmitted to a non-court agency, party or company for reception and ultimate transmittal to the court shall be accepted for filing only if:

- a. No filing fee is required
- b. No additional fee or charge must be paid by the Circuit Court for accepting or receiving the facsimile document.

5.3 The party transmitting the facsimile document is solely responsible for ensuring its timely and complete receipt.

5.4 The Circuit Court, Judge or Clerk of Court is not responsible for:

- a. Errors or failures in transmission that result in missing or illegible documents.
- b. Periods when a Circuit Court facsimile machine is not operational for any reason.

5.5 A Judge assigned to a particular matter may authorize in advance the filing of particular documents in that case that do not conform to these rules if good cause is shown and they are in conformance with 801.16.

5.6 Documents that are not to be filed but are to be used by the Court for reference or other purpose may be transmitted by facsimile transmission at the discretion of the Judge or Clerk.

Dated this 17th day of July 2001

## **Rule No. 6: Jurors, Jury Commissioners and Clerk of Court Authority**

6.1 No juror shall be required to serve more than ten (10) days during the three (3) month juror term. The 10 days shall include days that a juror appears for jury duty, whether chosen to serve on the panel or not. Should the length of a trial result in a juror serving more than ten (10) days, any such juror shall still serve despite previous service during the term.

6.2 By resolution of the County Board of Supervisors, Jury Commissioners will no longer be required. The Clerk of Circuit Court is authorized to perform the functions of the Jury Commissioners per Sec. 756.03(1).

6.3 Any person or group of persons may be excluded from service as jurors by order of the Judge. Such finding will be based on a finding that jury service would entail undue hardship, including undue hardship caused by the aging process, extreme inconvenience or serious obstruction or delay in the fair and impartial administration of justice as set forth in 756.02(2). The Clerk of Circuit Court may excuse an individual juror for a portion of that juror's term for the foregoing reasons or upon a personal emergency upon proper application. The exclusion or excuse shall continue for a period deemed necessary by the Judge or the Clerk of Circuit Court.

6.4 Should the Clerk of Circuit Court exclude or excuse a juror, the Clerk shall secure from the person a sworn statement that provides evidence of the grounds for the exclusion or excuse.

Dated this 30th day of November, 1993

## **Rule No. 7: Procedure for Filing Case Materials in Out-of-County Judicial Assignments**

To promote the orderly filing of case materials in out-of-county judicial assignments and protect the integrity of the case record, this policy is hereby adopted.

7.1 Upon specific assignment of case responsibility to a judge outside the county where the action was commenced, all subsequent filing of original case materials and a copy thereof shall be made to the Clerk of Court where the action was filed. The Clerk of Court shall file-stamp both the original and the copy.

7.2 The Clerk of Court shall thereupon mail a conformed copy to the assigned judge and place the original filing in the case file, subject to section 7.3.

7.3 Where the assigned judge requested and has possession of the original case file, the Clerk or Court shall mail the original filing to the Judge assigned. The Clerk of Court shall retain the copy and docket receipt of same.

7.4 At request of the assigned judge, the judge's copy of all filings shall be sent directly to the judge contemporaneously upon filing the original with the Clerk of Circuit and Rule 7.2 shall not apply.

Dated this 30th day of November, 1993

## **Rule No. 8: Calumet County Alcohol Diversion Program Procedure and Penalties**

8.1 The Calumet County Alcohol Diversion Program has been developed to provide an optional educational program to juveniles who have been cited for violation of s. 125.07(4)(b) stats., s. 125.09(2) stats. or an ordinance in strict conformity therewith. The purpose of this program is to educate and increase a juvenile's self-awareness about alcohol and its effect on his/her life. The program's goal is to reduce repeated and/or more serious alcohol related offenses.

8.2 Any person under the age of 18 years who is cited or found guilty of such an offense in Calumet County is eligible to participate in the program. A resident child adjudicated in another jurisdiction of such an offense may also participate if permitted by the sentencing court. A child may only be admitted to the program once within a 24 month period.

8.3 All eligible children cited for a such a violation shall be informed of this alcohol diversion program. At disposition, the child shall be given the option of entering the program or of paying a fine and suffering a driver's license suspension. The child will be advised that he/she is responsible for all costs of the program. If participation is elected by the juvenile, later noncompliance may result in the stayed penalties being reinstated in accord with Sec. 48.344(2g)(d) stats.

8.4 If a child appears and fails to have the required documentation, the Court may give the child five days to bring the same to the Clerk of Court's Office.

8.5 If a child fails to have a parent/adult present or to have attended the orientation session required for participation in the program, the Court may reset the hearing.

8.6 Upon a juvenile's nonappearance, a default judgment shall be entered and the following penalties may be imposed:

- a. First Offense: Forfeiture: \$30.00 + Costs DL Suspension: 30 days
- b. Second Offense: Forfeiture: \$60.00 + Costs DL Suspension: 60 days
- c. Third (and subsequent) Offense: Forfeiture: \$100.00 + Costs  
DL Suspension: 90 days

8.7 If a child appears in court and chooses to enroll in the program, the following penalties may be imposed and shall be stayed:

- a. First Offense: Forfeiture: \$30 + costs DL Suspension: 30 days
- b. Second Offense: Forfeiture: \$60 + costs DL Suspension: 60 days (last 30 days only stayed).

AODA Assessment and follow through with recommendations.

8.8 Upon a finding of guilt, an adjudication shall be entered on the record.

8.9 Third and subsequent offenders for such violations shall not be eligible for participation in the program.

8.10 Effective date: February 1, 1995,

8.11 All statutory citations contained within this rule shall be deemed to include all subsequent amendments or renumbering of any such state statute.

Dated this 30th day of January 1995.

## **Rule No. 9: Temporary Detention of Juveniles Found to Be Delinquent**

9.1 Pursuant to subsection 938.355(6d) of the Wisconsin Statutes, if a juvenile who has been adjudged delinquent violates a condition specified in the juvenile's court order, the juvenile's caseworker may, without a hearing, take the juvenile into custody and place the juvenile in a secure detention facility or juvenile portion of a county jail that meets the standards promulgated by the Department of Corrections by rule or in a place of nonsecure custody designated by the caseworker for not more than 72 hours while the alleged violation is being investigated, if at the dispositional hearing the court explained those conditions to the juvenile and informed the juvenile of the possibility of that placement or if before the violation the juvenile has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and that possible placement and that he or she understands those conditions and possible placement.

9.2 Pursuant to subsection 938.355(6d) of the Wisconsin Statutes, if a juvenile who has been found to be in need of protection or services under section 938.13 of the Wisconsin Statutes violates a condition specified in the juvenile's court order, the juvenile's caseworker may, without a hearing, take the juvenile into custody and place the juvenile in a place of nonsecure custody designated by the caseworker for not more than 72 hours while the alleged violation is being investigated, if at the dispositional hearing the court explained those conditions to the juvenile and informed the juvenile of the possibility of that placement or if before the violation the juvenile has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and that possible placement and that he or she understands those conditions and that possible placement.

9.3 If a juvenile is held in a secure detention facility, juvenile portion of a county jail or place of nonsecure custody for longer than 72 hours, the juvenile is entitled to a hearing under Section 938.355(6)(c) or Section 938.21 of the Wisconsin Statutes. The hearing shall be conducted in the manner provided in subsection (6) or Section 938.21 the Wisconsin Statutes, except that for a hearing under Section 938.21 the hearing shall be conducted within 72 hours, rather than 24 hours, after the time that the decision to hold the juvenile was made and a written statement of the reasons for continuing to hold the juvenile in custody may be filed rather than a petition under Section 938.25 of the Wisconsin Statutes.

9.4 Effective July 1, 1996.

## **Rule No. 10: Bond Order - Domestic Abuse Cases**

WHEREAS Wisconsin Act 346 became effective on April 1, 1989 and this Statute, concerning domestic abuse cases has some provisions concerning contact prohibition upon arrest, the Circuit Court of Calumet County orders the following in an attempt to provide bond conditions consistent with this Statute, and to continue conditions which have been "j successfully enforced in the past;

IT IS HEREBY ORDERED upon release from custody following an arrest under Wis. Stat. §968.07 and unless there is a waiver as described below, the arrested person shall avoid the residence of the alleged victim of the domestic abuse incident, any premises temporarily occupied by the alleged victim, contacting or causing any person other than attorneys for the arrested person and alleged victim to contact the alleged victim. This condition shall be in effect until further order of the Court or until waived.

IT IS FURTHER ORDERED that consistent with Wis. Stat. §968.07S(S)(c), at any time during the "no contact" period and before the issuance of a bond, the alleged victim may sign a written waiver of the requirements of the "no contact" provisions set forth above. The law enforcement agency making the arrest shall have a waiver form available. Such waiver form shall be consistent with Wis. Stat. §968.07S(S)(b).

IT IS FURTHER ORDERED, that all Bonds from Calumet County Law Enforcement or the Calumet County Circuit Court are authorized to provide the following provisions on Bond Forms in Domestic Abuse cases concerning the no-contact provisions of those Bonds:

Clothing or personal hygiene items can be obtained by one of the following Court authorized methods:

Through contact by defendant's attorney with the victim.  
In cooperation with the arresting police agency at a mutually convenient time.  
Pursuant to a hearing before the Court scheduled after written request is filed with the Court.

Date this 27th day of March, 2002.

## **Rule No. 11: Expiration of Bonds**

WHEREAS from time to time arrestees are released from custody on bail or bond prior to the filing of criminal charges and in some instances charges are not filed;

NOW THEREFORE, IT IS HEREBY ORDERED that if formal criminal charges are not filed against an arrestee within 60 days of said arrestees release on bail or bond said bail or bond shall be deemed to have expired and the arrestee shall no longer be subject to its conditions and any monies posted for bail shall be returned by the Clerk of the Circuit Court to the person who posted such bail.



IT IS FURTHER ORDERED that a bond may be continued upon good cause shown after a court hearing with notice to the arrestee.

Dated this 30th day of May, 2003.

### **Rule No. 12: Service of Summons in Small Claims Matters**

Pursuant to Wis. Stat. §799.12(2) the Court does authorize the service of summons in small claims actions other than in eviction actions and in replevin actions to be made by ordinary mail on any defendant residing within Calumet County. Service by ordinary mail in those actions where it is permitted shall be as required by Wis. Stat. §799.12(3) as amended from time to time. All of the provisions of Wis. Stat. §799.12 shall apply when service can not be made by ordinary U.S. mail in small claims court actions.

Dated this 29th day of November, 2006.

### **Rule No. 13: Calumet County Local Court Rule 13 - Amended**

When contesting a matter in Small Claims Court the defendant(s) shall file a written Answer and or Answer and Counterclaim in the office of the Clerk of Circuit Court, with copy to the Plaintiff, either at or before the return date. Such response shall set forth all defenses and claims with specificity.

Dated this 9th day of April, 2009

13A. Upon filing a Small Claims action in Calumet County, a mandatory appearance is required of the Plaintiff and Defendant in Eviction and Replevin actions.

Upon the filing of a money judgment only, the \$2.00 mail fee is required and the Clerk of Court office will mail the Summons and Petition to the Defendant(s). There is not a mandatory appearance for money judgments.

Dated this 1st day of August, 2013

### **Rule No. 14: De Novo Hearings**

Pursuant to Wis. Stat. §757.69(8), any party has the right to move the Circuit Court Judge to review the decision of a circuit court commissioner/family court commissioner upon the filing of a motion for a hearing de novo.

#### **FAMILY/PATERNITY HEARINGS:**

Said motion shall be filed within fourteen (14) days of the mailing or personal delivery of the written decision/order of the Family Court Commissioner. (An order must be on file prior to the de novo hearing.)

The party requesting the de novo hearing shall notify in writing all interested parties of the date and time of the de novo hearing.

The Family Court Commissioner's order shall remain in effect unless the Circuit Court Judge grants a stay of the order.

#### DOMESTIC ABUSE INJUNCTIONS/HARASSMENT INJUNCTIONS:

Said motion shall be filed within fourteen days after service of the injunction or dismissal of the petition.

The party requesting the de novo hearing shall notify in writing all interested parties of the date and time of the de novo hearing.

Any injunction entered shall remain in effect while an appeal to the Circuit Court is pending.

Dated this 5th day of September, 2008.

#### **Rule No. 15: Mortgage Foreclosure**

All default judgments in mortgage foreclosures shall be scheduled for a hearing in open court, due notice of which shall have been given to all defendants at least 10 days before the hearing. If all parties consent or no defendant appears at the scheduled hearing, the court may grant a default based on affidavits or testimony.

That in all foreclosure actions, the plaintiff shall attach to the Summons and Complaint served on the defendant/homeowner the following forms printed on yellow paper and can be downloaded from the Calumet County official website; [www.co.calumet.wi.us](http://www.co.calumet.wi.us); Departments; Clerk of Courts; Mortgage Foreclosure:

- a) Notice of Availability of Mediation
- b) Application for Mediation

Dated this 1st day of June, 2010

#### **Rule No. 16: Amendment or Dismissal of Felony cases by the District Attorney**

WHEREAS, the Circuit Court is to accept pleas that are in the public interest; pursuant to State v. Kenyon, 85 Wis.2d 36, 270 N.W.2d 160 (1978); and

WHEREAS, the District Attorney's Office has the discretion to submit negotiated pleas to the Court for the Court's approval; and

WHEREAS, the District Attorney's Office makes such decisions based upon information which is unavailable to the Court but which the Court should have available to it before accepting a negotiated plea;

NOW, THEREFORE, IT IS HEREBY ORDERED that the District Attorney's Office shall file, when following arraignment any felony count is being amended or dismissed as part of a plea agreement, a written statement containing the factors and considerations

taken into account in making such plea negotiation, including but not limited to the facts and circumstances leading to the defendant's arrest, prior criminal record of the defendant, statement from the victim and the views of the arresting law enforcement agency. See State v. Conger, 325 Wis.2d 664, 797 N.W.2d 341 (2010).

This rule shall become effective for any plea taken after May 1, 2012.

Dated this 22nd day of March, 2012.

### **Rule No. 17: Mandatory Parenting Education Program**

WHEREAS, § 767.401(1) of the Wisconsin Statutes allows the Court to compel parties to actions affecting the family to attend a program on the effects of marital dissolution on children.

THEREFORE, IT IS HEREBY ORDERED that in any action affecting the family in which a minor child is involved, in which the Court will issue a decision or affirm a stipulation regarding legal custody or physical placement, the Court shall order the parties to attend a Parenting Program through the UW Extension entitled "Supporting Children During Divorce" concerning the effects on a child of a dissolution of a marriage and/or training in parenting or co-parenting skills.

Attendance at said program shall be completed within 120 days of the filing of the Petition for Divorce or Legal Separation. A certificate of attendance at said program shall be filed with the Clerk of Court Office upon completion of the program.

Any party may petition the Court in writing for waiver of this requirement due to his or her specific situation. Requirement of this program is automatically waived when the youngest minor child is age 17 or older at the time of filing the Petition for Divorce or Legal Separation.

This local rule applies to all actions filed after October 1st, 2012.

Dated this 12th day of September, 2012.

### **Rule No. 18: The Release and Disclosure of the Custody Evaluation and the Case Assessment and Conclusion**

Any attorney for any party, the Guardian ad Litem and an unrepresented party may obtain a copy of the Case Assessment and Conclusion in any case involving said Guardian ad Litem, attorney for any party or such party, by submitting a written request to the Court. Release of said report shall be subject to the following conditions:

1. The Case Assessment and Conclusion shall be filed confidential and will not be available to any party or counsel without Court approval.
2. Any attorney, Guardian ad Litem, or unrepresented party shall be advised that the contents of the Custody Evaluation and the Case Assessment and Conclusion should not be disclosed to any person other than a party to the case wherein the custody evaluation has been made.
3. Any hard copies of the Case Assessment and Conclusion shall be returned to the Court or destroyed after completion of the case.

This rule shall become effective as of June 1, 2019.