

GREEN COUNTY CIRCUIT COURT RULES

**Effective Date: June 1, 2017
(amended August 2, 2009 version)**

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CHAPTER ONE: GENERAL RULES

101: CIRCUIT COURT RULES

- (A) Court rules shall be adopted by written order of the Circuit Judges for Green County, subject to approval of the Chief Judge, Fifth Judicial Administrative District.
- (B) Court rules, prior to adoption or revision, shall be posted for public review at the Green County Justice Center by the Clerk of Circuit Court and copies shall be forwarded to the president and secretary of the Green County Bar Association at least twenty (20) days prior to formal adoption.
- (C) Orders adopting rules shall specify an effective date.
- (D) Once adopted, court rules shall be filed with the Clerk of Circuit Court and the said clerk shall provide copies to the president and secretary of the Green County bar Association, to the chief judge, and to the persons and entities set forth in S. 753.35(1), Wis. Stats.

102: CASE PROCESSING TIME GUIDELINES

- (A) The following case processing time guidelines are designed to provide a guide to the judiciary and bar. Unless otherwise indicated, the guideline represents the time period from filing to final disposition.

Misdemeanor..(from initial appearance).....	2 months if in custody, 3 months, if not.
Felony.(from initial ordinance).....	6 months
Traffic & Ordinance.(from initial appearance).	4 months
Personal Injury/Property Damage.....	18 months

- (A) Continued
 - Contract/Money Judgments.....12 months
 - Divorce.....12 months
 - Estates.....12 months
 - Small Claims.....3 months
 - Child Support.....6 months
 - Paternity – Contested.....12 months
 - Paternity – Uncontested.....6 months

(B) It will be the practice of the court to schedule every case for a next Action or review date at every stage in the life of the case.

103: RULES OF DECORUM

- (A) As the judge enters the courtroom, the bailiff or clerk of court shall require all present to rise and stand.
- (B) In the recessing, the judge shall announce: “The court is now in recess.”
- (C) The flag of the United States shall at all times while court is in session be displayed at, on, or in close proximity to the bench, or on standard to the right of the Judge.
- (D) Lawyers shall never lean upon the bench or appear to engage the court in a manner which would lessen the dignity of the proceedings in the eyes of the jury and public.
- (E) Witnesses shall be examined from a position at the counsel table except when handling exhibits unless a lectern is provided by the Court, in which case the examination shall be either from the position at the counsel table or the lectern. Persons examining witnesses may either stand while examining a witness from the counsel table or remain seated. In no case shall a witness be crowded during examination.
- (F) When a lawyer or party is addressing the jury, he or she shall not crowd the jury box.
- (G) During examination of jurors on voir dire, the lawyer or party conducting the examination shall, insofar as practical, use collective questions, avoid repetition and seek only material information.
- (H) During trial, no lawyer or party shall exhibit familiarity with witnesses, jurors or opposing counsel and generally the use of first names shall be avoided. In jury arguments no juror shall be addressed individually or by name.

- (I) Lawyers and court officials shall, while in attendance upon the Court, be attired in such a manner as not to lessen the dignity of the court or of proceedings in the eyes of the jury and public.
- (J) Lawyers shall advise their clients and witnesses of the formalities of the court, and seek their full cooperation therewith. It is expected that lawyers will guide clients and witnesses as to appropriate attire.
- (K) Witnesses shall be examined with courtesy and respect, and their good faith presumed until the contrary appears.
- (L) The judge shall wear a robe while presiding on the bench, provided judicial discretion may be exercised otherwise in proper situations.
- (M) The “Code of Professional Responsibility, Courtesy and Decorum for the Courts of the State of Wisconsin”, as developed by the Decorum Study Committee of the Judicial Conference, shall be observed as guidelines for the conduct of judges, attorneys, court personnel, parties, and the public in Green County Circuit Court. In the event of an egregious failure, or repeated failures, to adhere to one or more of these standards, the offending individual will be referred for appropriate disciplinary proceedings.

104: COURT CALENDAR AND SCHEDULING

- (A) CCAP Calendar shall be the primary resource for scheduling court matters. All matters shall be entered into CCAP Calendar at the time of scheduling or as soon thereafter as is practicable.
- (B) The Clerk of Circuit Court, or designated deputies, shall have primary responsibility for scheduling traffic and small claims returns. The Register in Probate shall have primary responsibility for scheduling all probate matters and matters filed under Chapters 48, 51, 54, and 55. Except for matters scheduled by the Circuit Court Judge during in-court proceedings or scheduling conferences, the Judicial Assistant shall have primary responsibility for scheduling all other circuit court matters.

105: REMOVING COURT FILES

Court files shall be reviewed by the public, parties, or attorneys only in the offices of the Clerk of Circuit Court or Register in Probate. Removal of a court file from either office shall only be allowed upon specific court order. Under no circumstances shall original court files be kept longer than 10 days. The Clerk or Register shall obtain a written receipt for each file removed under this rule.

106: WEAPONS IN COURTROOMS

No weapons shall be permitted in the courtrooms, or court-related areas, except for those carried by sworn peace officers pursuant to the policies of applicable law enforcement departments.

CHAPTER TWO: CRIMINAL, TRAFFIC, AND ORDINANCE VIOLATION MATTERS

201: INTAKE

(A) ORDINANCE VIOLATION (FO) AND TRAFFIC FORFEITURE (TR) MATTERS will be set for initial appearance at 8:30 a.m., Mondays, at The Justice Center. City of Monroe, County, and State cases will be set on separate Mondays in a three-week rotation.

1. Court Officers will be present. If not previously provided by the arresting officer, each appearing defendant will be given an information sheet setting forth traffic court procedures.
2. The Traffic Court Clerk will first call all Criminal Traffic (CT) Cases, all TR and FO cases that are companion charges to CT cases, all DNR forfeiture cases, and all OWI/PAC cases, and direct the defendants to report immediately to the Criminal Intake Courtroom at 1:15 p.m.
3. The Clerk will then proceed with the remaining traffic/ordinance forfeiture (TR and FO) cases as follows:
 - (a) Non-appearances will be treated as no contest pleas, and the matters will be disposed of pursuant to standing court order (See Rule 202).
 - (b) Any defendant who has appeared by letter, personally or by counsel, prior to the court date will have a not guilty plea entered, the case will be set for pretrial conference, and notices thereof will be sent to the prosecutor, defendant and/or counsel. The Notice of Pretrial Conference will set forth the prosecutor's name and telephone number, direct the defendant/counsel to contact the prosecutor prior to the pretrial, and inform the defendant that failure to appear at the pretrial may be treated as a no contest plea.

- (c) Defendants who appear and plead not guilty will be given a time and date for a pretrial conference and shall be advised of the matters set forth in the preceding paragraph.
- (d) For defendants who appear and plea guilty or no contest, the clerk is directed to enter judgment of conviction and impose forfeiture per the applicable bond schedule, together with appropriate costs and assessments. If a defendant is unable to pay the forfeiture and costs immediately, the clerk shall grant 60 days to pay in non-traffic matters and is authorized to grant up to 60 days to pay for traffic matters. The clerk shall include in judgments in traffic matters that the alternate sentence on failure to pay shall be as set for in S. 345.47(1)(b), Wis. Stats., and in non-traffic matters the alternate sentence shall be as set forth in S. 800.09(1)(c), Wis. Stats., subject to the requirements of S. 800.095, Wis. Stats.
- (e) If authorized by the appropriate prosecutor, a court officer may amend a speeding citation up to 5 m.p.h., and the clerk may accept such amendment and a plea to the amended charge. All other amendments to citations must receive prosecutor and court approval and shall only be considered at or after a pretrial conference.
- (f) Any defendant and/or counsel wishing to have the Court review a case on intake day for reasons other than routine scheduling/processing as outlined above shall be directed to report to the Duty Judge in the Circuit Courtroom, and the case file shall be forwarded to the clerk in the designated Courtroom.

4. Defendants shall have 10 days following their initial appearance or Until the time of the pretrial conference, whichever is later, to file motions and jury trial demands, and to pay required jury fees.

(B) CRIMINAL TRAFFIC (CT) CASES will be set for 1:15 p.m., Mondays, in the Criminal Intake Courtroom. Defendants who have not previously received formal complaints shall be served with same upon reporting to Criminal Intake Courtroom. A representative of the Public Defender's office shall be present at 1:00 p.m. to interview/evaluate defendants

requesting public defender representation. The Court will call all CT cases at 1:15 p.m. or thereafter, conduct initial appearances, take pleas and set bail. CT cases will be scheduled for continued initial appearance, hearing on motions, or pretrial conference as may be appropriate.

- (C) ALL OTHER CRIMINAL CASES (CM and CF) will be set for intake at 1:15 p.m., Mondays, in the Criminal Intake Courtroom. A representative of the Public Defender's office shall be present at 1:00 p.m. to interview/evaluate defendants requesting public defender representation (if not previously interviewed/evaluated), and all summons issued shall inform defendants of this fact. The Court will call all CM and CF cases at 1:15 p.m., conduct initial appearances, take pleas or schedule preliminary hearings, and set bail. Cases will be scheduled for continued initial appearance, preliminary hearing, hearing on motions, or pretrial conference as may be appropriate.

202: TRAFFIC AND ORDINANCE FORFEITURES: DEFAULT JUDGMENTS

Unless the Court otherwise orders in a specific case, default judgments in traffic, ordinance violation, and other forfeiture matters, will be entered as follows:

- (A) Upon conviction of a traffic forfeiture offense (TR), for a violation of state traffic laws or municipal or county ordinances in conformity therewith, a Forfeiture in the amount set by the Uniform State Traffic Deposit Schedule shall be imposed, and the defendant shall have 60 days in which to pay the forfeiture and costs. Upon failure to pay, alternate sentence shall be per S. 345.47(1)(b), Wis. Stats.
- (B) Upon conviction of a forfeiture offense (FO) for a violation of state statutes or administrative rules administered by the Department of Natural Resources, a forfeiture in the amount set by the Uniform Deposit and Bail Schedule for Conservation, Environmental Protection, Boating, Snowmobile and ATV Violations shall be imposed, and the defendant shall have 60 days in which to pay the forfeiture and costs, including applicable DNR assessments and surcharges. Upon failure to pay, the defendant shall be summoned to appear in court per S. 23.795(1), Wis. Stats., and the court will proceed under that section.
- (C) Upon conviction of a forfeiture offense (FO) for violation of non-traffic municipal or county ordinances, a forfeiture in the amount set by the applicable bond schedule shall be imposed, and the defendant shall have 60 days in which to pay the forfeiture and costs. Upon failure to pay, the defendant shall be summoned to appear in court and the court will proceed under S. 800.09 and 800.095 Wis. Stats.

203: OCCUPATIONAL LICENSES

Regular occupational licenses are issued through the Department of Transportation and the Green County Circuit Court does not review those applications. Applicants who are habitual traffic offenders must present a properly completed application, proof of insurance and a receipt from the Clerk of Circuit Court showing payment of the appropriate fee. The court officer will review and approve the application and it will then be submitted to the Circuit Court Judge for approval. The applicant must then submit the application to the Department of Transportation.

204: CAUSE FOR NONPAYMENT/REQUESTS FOR EXTENSION OF TIME TO PAY

Any defendant having been ordered to pay a fine or forfeiture and costs, may, on or before the date said payments are due, show cause to the court why the same have not been paid and/or request an extension of time to pay. Hearings on cause for nonpayment and requests for extension shall be scheduled by the Clerk of Circuit Court for 11:00 a.m., Mondays.

205: INSTALLMENT PAYMENT OF FINES AND FORFEITURES

Any defendant ordered to pay a fine or forfeiture and costs totaling more than \$250 may request an installment payment agreement. The agreement will allow the defendant to pay the amount owed in weekly or monthly installments of not less than \$10 per week or \$50 per month. So long as the defendant is current on payments, the alternate sentence will not be imposed. If, however, any payment is missed, the alternate sentence of a drivers license suspension or jail sentence will go into effect until the remaining balance due is paid in full or the defendant is otherwise discharged from the alternate sentence.

206: MISDEMEANOR PRACTICE

Defendants will be allowed one continuance of their initial appearance in order to seek counsel. Defendants who are represented or who waive counsel at the initial appearance will be asked to plead to the complaint or will have a plea of not guilty entered by the court. The case will then be scheduled for pretrial conference, if time limits are waived; if not, immediately set for trial as provided by statute. Parties shall serve and file any motions under S. 971.31, Wis. Stats., within 10 days of the initial appearance of the defendant, or at or before the time of the pretrial conference, whichever is later.

207: FELONY PRACTICE

Arraignments shall be set at the conclusion of the preliminary hearing or waiver thereof. If the defendant pleads not guilty or stands mute, the court will schedule a DA pretrial conference. Calendaring for trial will not occur until the pretrial conference, which shall be conducted after all motions have been decided. Defendant may file motions and briefs thereof at any time prior to the DA pretrial conference.

CHAPTER THREE: CIVIL CASES, SMALL CLAIMS

301: SMALL CLAIMS ACTONS

- (A) **MAIL SERVICE:** Except in eviction and replevin actions and Orders for Hearing on Contempt, summons in small claims actions may be served upon defendants who reside within Green County by regular mail in lieu of personal or substituted service pursuant to S. 799.12(2) and (3), Wis. Stats.
- (B) **WRITTEN ANSWERS:** A defendant may join issue in any of the actions Specified in S. 799.01, Wis. Stats., without appearing on the return date by filing a written answer. Such written answer must be received by the Clerk of Circuit Court not later than 20 days after the “Date Summons Issued” or by the return date set in the summons, whichever is earlier. A copy of the written answer must be mailed to plaintiff’s attorney, if any, or to plaintiff. If a written answer is filed pursuant to this rule, neither plaintiff nor defendant are required to appear on the return date.
- (C) **RETURN DATE PROCEEDINGS:** Initial return date proceedings shall be set before the Duty Judge for that week, or if no Judge is available, then before a Court Commissioner. If a defendant has not filed a written answer and fails to appear on the return date, upon plaintiff’s motion therefore, the Judge or Court Commissioner may enter a judgment upon plaintiff’s verified complaint. If the defendant files an answer admitting the plaintiff’s allegations, or appears and admits the same, judgment may likewise be entered for the plaintiff. In either case, the plaintiff or the plaintiff’s attorney must be present to move the Court for a default judgment. If the defendant contests the plaintiff’s allegations, the matter shall be set for a hearing before a Circuit Court Judge.
- (D) **CONTEMPT PROCEEDINGS:** All orders to show cause for contempt and proceedings thereon shall be scheduled before a Circuit Court Judge.
- (E) **REPLEVIN AND EVICTION JUDGMENTS, WRITS:** Even though notices of entry of judgment may be issued by the court commissioner in uncontested matters under Rule 301 (C), all written judgments of replevin

and eviction, writs of replevin, and writs of restitution shall be signed by a judge. The landlord, or agent of the landlord, must file an affidavit of service of the notice terminating tenancy, and affidavit of service of the eviction action before a judgment of eviction will be entered.

302: REVIEW FOR SERVICE

All civil cases will be reviewed for service and answer 90 days after filing. If at that time it is found that a case has not reached issue, a dismissal order or default proceeding shall be initiated by the court.

303: ATTORNEY'S AUTHORITY

In all pretrial matters, attorneys must have the authority to negotiate in the absence of their clients or, if authority is not granted, immediate telephonic access to the clients shall be required.

304: CALENDARS IN COURT

All attorneys are required to have their calendars with them in court and at all scheduling conferences so that dates can be set. In the event that an attorney does not have his or her calendar in court, a date will be set in accordance with the judge's calendar.

305: APPEARANCES BY TELEPHONE AND VIDEOCONFERENCING

(A) Appearances, argument, and testimony may be made by telephone in the Circuit Courts for Green County, subject to the requirements of S. 807.13, Wis. Stats. The party or attorney requesting such proceedings shall arrange for the telephone call to the court number after consultation with the Judicial Assistant, other counsel, and any non-represented parties in the action. Except for scheduling and pretrial conferences conducted in Chambers, proceedings by telephone shall be conducted in the courtroom.

(B) Appearances, argument and testimony may be made by videoconference subject to the requirements of Chapter 885, Wis. Stats., and any other applicable statutes and rules. Initial bail appearances in criminal matters may be held by videoconferencing without advance notice to counsel and parties. In other proceedings, the party or attorney requesting the use of videoconferencing equipment shall notify the court, other parties, and counsel, of their intent to use videoconferencing in any proceeding and shall certify that the technical and operational standards at the remote location meet statutory standards.

306: SCHEDULING CONFERENCES

- (A) Scheduling conferences will be conducted by the court upon request of any party after 90 days has elapsed from the filing of the summons and complaint.
- (B) All civil cases will be reviewed and ten months from the date of filing, and if no scheduling order has been entered, the court shall conduct a scheduling conference, set the matter on for dismissal, or enter such other order as may be appropriate.

CHAPTER FOUR: FAMILY COURT Rules 401-405: OFFICE OF THE FAMILY COURT COMMISSIONER

Rule 401 is amended to read:

401.1: SCOPE

The Office of the Family Court Commissioner shall consist of all Court Commissioners assigned by the Circuit Court Judge to act in actions affecting the family in Green County. All references in these rules to the Commissioner shall apply equally to any such Court Commissioner.

401.2: POWERS

The Commissioner shall conduct temporary hearings, motion hearings and pretrials in family matters, child support enforcement actions, initial appearances in paternity matters, and motions for certification of contempt. The Commissioner shall also conduct all post-judgment hearings in any action affecting the family.

401.3: ORDERS

All hearings before the Commissioner shall result in oral decisions effective as of the date of the hearing unless specifically ordered to the contrary. Written orders reflecting the same shall be prepared as set forth below.

401.4: SCHEDULING

Any attorney requesting a hearing date before the Commissioner shall be responsible for contacting the Family Court office to obtain a time and date for such hearing prior to filing a motion or order to show cause.

- (A) **BY TELEPHONE.** If there is opposing counsel, the attorney requesting the hearing shall have such attorney or their staff on a conference call to schedule. If staff is not available at the time of the call, counsel shall

leave a message regarding the type of hearing requested and the telephone numbers of all counsel. Family Court staff shall then call or email the attorneys to coordinate the scheduling.

- (B) **BY EMAIL.** If there is opposing counsel, the attorney requesting the hearing shall provide the Family Court staff with the email address of opposing counsel. Staff shall provide all counsel with potential dates, and the attorneys shall promptly respond as to which date is preferable. While staff will make a reasonable effort to hold the proposed dates open to allow counsel to respond, there is no guarantee that the dates shall be held open.
- (C) **SELF-REPRESENTED LITIGANTS.** A self-represented litigant may request a hearing by providing the documentation supporting their request for a hearing to the Family Court office. Staff shall then assign a date and the requesting litigant is responsible for providing notice to all other parties or attorneys.
- (D) **CALENDARS IN COURT.** All attorneys are required to have their calendars with them in court and at all scheduling conferences to that dates can be set. If an attorney does not have his or her calendar in court, a date will be set in accordance with the Commissioner's calendar.
- (E) **NOTICE.** The attorney requesting the hearing shall be responsible for preparation and service of notice of the hearing.

Rule 401.5 repealed (May 2017).

Rule 401.6 repealed (May 2017).

Rule 401.7 repealed (May 2017).

Rule 401.8 repealed (May 2017)

Rule 401.9 renumbered Rule 402.8.

402: PREPARATION AND APPROVAL OF COMMISSIONER ORDERS

402.1:

- (A) At the conclusion of each hearing before the Commissioner, the Commissioner may designate a party to prepare a written order. If none is designated, the party who filed the document leading to the hearing shall prepare the order, if more than one, the party who filed first in time. The order shall be prepared and filed with the clerk of court no later than 5 calendar days after the hearing. After any hearing in an action affecting the family, the Commissioner may prepare the written order and sign the same without approval by counsel or the parties. Proposed orders that are eFiled shall contain comments advising the Clerk of Court that the document is to be routed to the Commissioner and of the applicable hold times under these rules.

- (B) All prepared orders shall contain notice of the right to de novo hearing together with the applicable time frame for the same.

402.2: SUBMISSION OF ORDERS TO INTERESTED PARTIES.

Simultaneous with the transmission of the proposed order, the individual preparing the proposed order shall transmit a copy to all interested parties who appeared at the hearing in person or with counsel, and to the guardian ad litem if one has been appointed.

- (A) The party drafting the order shall notify the Clerk of Court via comment filed with the document that the document is to be routed to the Commissioner and that it is to be held for 5 business days. The notice shall not be provided by any other means.
- (B) If no interested person appears at the hearing other than the party drafting the order, the order may be submitted for immediate signature.

402.3 HOLDING PERIOD.

The Commissioner will hold the proposed order for the period of 5 business days to allow interested parties to object to, or request revisions to, the proposed order. After the 5 day holding period has passed, the Commissioner shall have the discretion to take such action as is necessary with regard to the proposed order, including, but not limited to, approving the order, returning it to the individual who prepared the order for revision, or making such revisions as the Commissioner deems appropriate.

402.4 HANDLING OF OBJECTIONS.

If an objection to a proposed order is received during the holding period the Commissioner will deny the proposed order. The attorneys for the parties, if any, shall promptly proceed to request a copy of the Commissioner's recording from the hearing. This request shall be submitted in writing. A digital copy of the recording will be emailed to both attorneys.

- (A) Within 5 business days of receipt of this recording, the attorneys shall listen to the recording and consult about the correct wording of the order. If agreement is reached, the attorney who prepared the original order shall make the agreed upon modifications and file the revised order with the court.
- (B) If the recording is ambiguous and leaves unresolved issues, the attorneys shall contact the Court Commissioner's staff and request a hearing to clarify any ambiguity. At least 24 hours prior to such hearing all

interested parties shall file and exchange memoranda containing the transcribed portion of the audio notes at issue together with that party's proposed language for the written order. After such hearing the attorney drafting the original order shall prepare the order consistent with the Commissioner's order.

402.5 EXPRESS APPROVAL NOT REQUIRED.

Express approval of a proposed order by an interested party, or their counsel, shall not be required. Failure to comment on a proposed order or request revisions to a proposed order within the holding period established in section 3 of this Rule shall constitute a waiver of the right to comment on, object to, or request revision to a proposed order.

402.6 DELIVERY TO CLERK AND NOTIFICATION OF ENTRY OF ORDERS.

The Commissioner shall route any signed order to the Clerk of Court for entry.

402.7 CALCULATION OF TIME AND EXTENSIONS.

All times under this order shall be calculated in accordance with Wis. Stats. § 801.15. Extensions of time may be granted at the discretion of the Commissioner.

402.8 HEARING DE NOVO.

Within 10 days of the signing of any written order by the Commissioner, either party to the action may request a hearing do novo by filing a written request with the Clerk of Court. If such a request is filed, the case will be referred to the Circuit Judge's Office for scheduling of a de novo hearing. No hearing de novo will be scheduled until an order signed by the Commissioner is on file.

403: GUARDIAN AD LITEM PRACTICE

403.1: Upon appointment of a guardian ad litem in any action affecting the family, each party to the action, unless otherwise ordered by the court, shall make a prepayment in the amount ordered by the court directly to the appointed guardian ad litem, upon acceptance of the appointment, for deposit in his or her trust account, subject to further order of the court. Failure of either party to pay guardian ad litem fees during the pendency of contested actions may result in the imposition of sanctions by the court or delay in scheduling such matters for contested hearings or trials.

403.2: If any party believes that he or she is indigent and entitled to waiver of the prepayment to the guardian ad litem, that party shall file an Affidavit of

Financial Resources and Petition for Waiver with the court, and the court may waive all or part of the advance fee, and may order the non-indigent party to pay the entire prepayment. If both parties are indigent, the court, in its discretion, may direct that Green County pay the fees pursuant to the provisions of Wis. Stat. § 767.045(6).

403.3: The guardian ad litem shall submit affidavits of fees during the pendency of contested custody actions as directed by the court.

404: FAMILY COURT COUNSELING SERVICES

404.1: The Green County Family Court Commissioner is appointed as the Director of Family Court Services. The Family Court Commissioner shall review all family actions for determination under the statutes as to the appropriateness or necessity of directing the parties to mediation. The initial mediation session shall be provided without cost to the parties. If mediation continues beyond the initial session, the court may direct one or both parties to prepay \$100.00 per party to the Clerk of Courts Office prior to additional mediation sessions.

404.2: If any party is financially unable to make a payment, the party shall file an Affidavit of Financial Resources and Petition for Waiver with the court, and the court may waive all or part of the advance fee based upon inability to pay.

404.3: Fees for mediation shall be paid directly to the Green County Clerk of Circuit Court, Green County Justice Center, 2841 6th St., Monroe, Wisconsin 53566 by mail or in person. Payment shall be made by Cashier's Check, cash or money order. Failure of either party to pay fees for mediation during the pendency of contested actions may result in the imposition of sanctions by the court or delay in scheduling such matters for contested hearings or trials.

404.3: The Family Court Commissioner shall automatically issue orders for payment of mediation fees as billed by the mediator and, unless otherwise ordered, the mediation fees shall be fully due and payable within 30 days of the receipt of billing from the Family Court Commissioner's Office. The parties shall be equally responsible for payment of all mediation fees billed to Green County by the mediator unless otherwise ordered by the Family Court Commissioner or the Circuit Court Judge. If either party fails to pay the mediation fees as directed, the court, in its discretion, may issue a judgment for the amount of the mediation fees in favor of the county and against the party or parties responsible for the payment. Any amounts unpaid under the order of the court will be referred to the office of the Green County Corporation Counsel for appropriate legal action and collection proceedings.

405: HEARINGS BEFORE THE COMMISSIONER

405.1 HEARING PROCEDURE

All hearings before the Commissioner shall be conducted by offer of proof with supporting documentation. The taking of testimony shall not be customary, but when allowed shall be solely at the discretion of the Commissioner.

405.2 PRODUCTION OF DOCUMENTS

At least 24 hours prior to a hearing before the Commissioner, all documents to be used at such hearing shall be exchanged with the other party when practicable.

- (A) Any document not so exchanged may be excluded at the discretion of the Commissioner.
- (B) If an attorney or party wishes to use a document that has not been exchanged, it shall be the burden of that attorney or party to show why exchange under this rule was not practicable.
- (C) Non-cooperation of a client shall not be a basis for finding production impracticable.

405.3 TEMPORARY ORDERS HEARINGS

Prior to temporary order hearings each party shall produce the documentation set forth in Wis. Stat. § 767.127(1) and (1m). If such documentation is not produced as required by these rules, the Commissioner shall proceed under Wis. Stat. § 767.127(4). In the alternative, if the Commissioner does not believe adequate information is available, he or she may adjourn the hearing or schedule an additional hearing. In such case the prepared party shall be entitled to an award of costs of no more than \$100.00.

406: STIPULATED DIVORCES

406.1: Divorce actions that are fully stipulated shall be scheduled for final hearing before a Circuit Court Judge.

406.2: Prior to scheduling a stipulated final hearing, the Marital Settlement Agreement or Final Stipulation, Final Financial Disclosure Statements, and Bureau of Vital Statistics form shall be submitted to the Family Court Commissioner's Office.

406.3: Upon determining that all prerequisites for a final hearing have been completed, the Family Court Commissioner shall certify the matter to the Circuit Court for final scheduling. Upon certification, the Circuit Court Judge's Office shall schedule the matter for final hearing and notify the Clerk of Courts Office. The Clerk of Courts Office shall notify all counsel of record and any unrepresented party.

407: CONTESTED FAMILY ACTIONS

- 407.1: The Family Court Commissioner shall pretrial all contested family actions. If all matters are not resolved through the pretrial procedure, the Family Court Commissioner shall set deadlines for discovery, disclosure of experts, conducting of appraisals, exchange of exhibits and witness lists, and any other matters deemed necessary by the parties or the Family Court Commissioner. After such pretrial, all stipulated issues shall be set forth in a Partial Marital Settlement Agreement, which shall be prepared by counsel of record or the parties and shall be filed with the court.
- 407.2: Upon receipt of the Partial Marital Settlement Agreement, the Family Court Commissioner shall certify the matter for final trial before the Circuit Court Judge.
- 407.3: Prior to the scheduling of a trial date with the Circuit Court Judge, all pretrial or scheduling orders shall be fully complied with. If any scheduling order or pretrial order is not complied with, and either party to the action feels aggrieved by the delay or inaction of the other party, the matter may be scheduled for review by the Family Court Commissioner regarding the imposition of sanctions. The matter shall be scheduled for hearing before the Circuit Court Judge if the Family Court Commissioner certifies the necessity for a hearing on the imposition of sanctions under applicable Wisconsin Statutes.

408: CUSTODY STUDY PROCEDURES AND APPOINTMENT OF GUARDIAN AD LITEM IN CONTESTED CUSTODY MATTERS

- 408.1: The parties and their counsel shall at all times cooperate and comply with the requests of the Green County Department of Human Services in regard to custody study procedures. The payment of fees for custody study procedures shall be the responsibility of the parties and subject to the request of the agency conducting the custody study. If a private custody evaluation is either stipulated by the parties or ordered by the court, the parties shall be fully responsible for the fees of the custody evaluator. Failure of either party to pay fees of a custody evaluation during the pendency of contested actions may result in the imposition of sanctions by the court or delay in scheduling such matters for contested hearings or trials.
- 408.2: The custody evaluator shall provide reports to the Family Court Commissioner with appropriate copies for filing with the court, the parties, and counsel of record.
- 408.3: The guardian ad litem shall provide reports to the Family Court Commissioner, to counsel of record, and to any unrepresented party, as directed by the Family Court Commissioner.

409: POST JUDGMENT MOTIONS AND MOTIONS FOR CONTEMPT
FOLLOWING ENTRY OF JUDGMENT

409.1: All motions to modify judgments and all contempt motions to enforce judgments in family court matters shall be scheduled before the commissioner. The commissioner shall conduct a hearing and set forth such remedial orders or orders revising judgments as he or she deems appropriate. If a court commissioner determines that a party may be held in contempt, the court commissioner shall issue written findings, propose specific sanctions and or purge obligations, and order further proceedings before the judge to whom the case is assigned. All orders of the commissioner under this section are subject to the hearing de novo procedure set forth in these rules. If no hearing de novo is requested, the court may adopt the recommendations of the commissioner without further hearing. The court commissioner shall advise the party of the right to obtain legal counsel and that failing to appear at the date and time ordered may result in an order for arrest being issued by the court.

409.2: No post-judgment matter will be scheduled before the Circuit Court Judge for hearing unless the Family Court Commissioner certifies that the interests of justice and judicial economy require that such matter be heard by the Circuit Court Judge directly. Prior to any such certification, a party or his or her counsel must file a motion for direct hearing to the Circuit Court Judge, together with an affidavit of facts and a memorandum supporting the motion. The Family Court Commissioner shall conduct a hearing on such motion prior to certification to the Circuit Court Judge under this subsection. Upon such certification to the Circuit Court Judge, the Judicial Assistant shall schedule such matter for hearing and notify the Clerk of Courts Office. The Judicial Assistant or Clerk of Courts Office shall give notice to counsel of record and any unrepresented party by mailing such notice to the last known address.

410: DOCUMENTS TO BE SEALED

410.1: All financial disclosure statements under § 767.27, Wis. Stats., income tax returns, custody and home studies, psychological evaluations, and any other documents or exhibits the court may order in a specific case, shall be confidential and filed under seal. Access to any such documents shall be granted only to parties to the action, their counsel, any guardian ad litem acting in the matter, and with respect to financial data and tax returns, to a child support enforcement authority, except as permitted by § 767.27(3)(b), Wis. Stats., or as otherwise ordered by the court.

CHAPTER FIVE: PROBATE COURT

501: REGISTER IN PROBATE

- (A) The Register in Probate for Green County is designated, pursuant to S. 865.065, Wis. Stats., as Probate Registrar for Green County, and is authorized to perform all acts and orders under Chapter 865.
- (B) The Register in Probate for Green County is appointed as deputy clerk, pursuant to S. 851.75, Wis. Stats.
- (C) The Register in Probate for Green County is authorized, pursuant to S. 851.73(1)(a), Wis. Stats., to make orders for hearings in proceedings under Chapters 851 to 880 requiring notice of hearing.
- (D) The Green County Circuit Court Judicial Assistant for Circuit Court Branch 1 is appointed Deputy Register in Probate and is authorized to act in the absence of the Register in Probate.

502: OPENING ESTATES

- (A) **OPENING ON WAIVER:** When all necessary documents have been filed with the Register in Probate, the Court will review the probate file in chambers, enter appropriate orders, and issue Domiciliary Letters forthwith.
- (B) **OPENING ON NOTICE:** Returns on notices to open shall be set for 9:15 a.m., Tuesdays. The Register in Probate shall note for the record whether any persons appear personally or in writing objecting to the granting of the petition. If so, the petitioner's attorney shall be notified and the matter scheduled for a hearing.

If no objections are made on or prior to the return date, when all necessary documents have been filed with the Register in Probate, the Court will review the probate file in chambers, enter appropriate orders, and issue Domiciliary Letters forthwith.

503: CLOSING ESTATES AND TRUSTS

- (A) Hearings on petitions to close estates and trusts shall be scheduled before the court by the Register in Probate or Judicial Assistant. Tuesdays between 9:15 a.m and 10:00 a.m. will be reserved for scheduling of probate matters. Hearings to close may also be scheduled as follows: At any available court time, except on Mondays; or at 8:45 a.m. on Wednesday, Thursday or Friday.

- (B) The Personal Representative or Trustee should be present at the hearing to give testimony on accounts and administration. Proof of Heirship, if required, should also be presented on the record pursuant to S. 863.23, Wis. Stats. Testimony on heirship and accounts by telephone will be permitted, provided there is no objection by any interested party. If telephone testimony is to be given, counsel for petitioner shall arrange for the witness to call the court room phone at the time set for hearing.
- (C) No Final Judgment or Order Terminating Trust will be entered unless all documents necessary to close (including waivers and receipts for advance distributions, if applicable, and proposed judgments or orders) are on file with the Register in Probate not later than 4:00 p.m. on the day preceding the hearing.

504: SCHEDULING GUARDIANSHIPS AND CONTESTED MATTERS

Hearings to appoint guardians and hearings on any contested probate matters shall be scheduled with the Register in Probate or Judicial Assistant for any available court time, except on Mondays.

CHAPTER SIX: JUVENILE COURT

601: JUVENILE INTAKE

- (A) The Juvenile Intake Worker and Deputy Intake Worker shall establish an “on-call” schedule for non-working hours and shall provide the same to the Green County Sheriff’s Department. Any law enforcement agency needing to contact an intake worker during non-working hours shall obtain the name and telephone number on the “on-call” worker from the Sheriff’s Department.
- (B) The Juvenile Intake Worker, Deputy, law enforcement personnel, prosecutors, school personnel, and others dealing with the juvenile intake process shall be guided in their duties by the “Green County Juvenile Intake Policy and Procedures” as promulgated by the Court.
- (C) Plea Hearings on delinquency and CHIPS petitions shall be scheduled for 3:00 p.m., Mondays, whenever practicable. Subsequent appearances or hearings shall be scheduled during non-school hours whenever the court time needed and court calendar will permit.

602: JUVENILE ORDINANCE VIOLATIONS (JO)

- (A) Citations in Juvenile Ordinance Violation (JO) matters shall be returnable to the Court at 3:30 p.m., Mondays, in the same rotation scheduled for State, County, City and Village traffic and ordinance matters.
- (B) Juveniles who do not appear and who have not made a deposit prior to the return date will be summoned to appear at the next scheduled return date for the plaintiff entity. The summons will inform the juvenile that failure to appear when summoned could result in a default judgment and the imposition of a forfeiture and court costs, if applicable.
- (C) If a juvenile fails to appear when summoned, a default judgment may be entered, and forfeitures and court costs, if applicable, or other disposition under S. 48.343 or 48.344, Wis. Stats., may be imposed.

603: JUVENILE ALCOHOL PROGRAM

Juveniles convicted of underage alcohol or possession violations, if they so agree, will be permitted to participate in a court-appointed program under S. 48.344. (2g) in lieu of part or all of the sanctions that have been imposed for the violation.