

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 15, 2017. 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.

Judges, Clerk of Court, Attorneys and Non-Resident Attorneys 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, 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.

Table of Contents

I.	GENERAL RULES (applies to all case types)	6
A.	ELECTRONIC FILING (eFiling), REDACTION AND SEALING	6
B.	FACSIMILE TRANSMISSIONS OF DOCUMENTS TO THE COURT	6
C.	TELEPHONE AND AUDIO-VISUAL EQUIPMENT AND PROCEEDINGS AND TELEPHONE CONFERENCES	6
1.	Telephone Testimony	6
2.	Audiovisual Equipment	7
D.	COURT APPOINTED COUNSEL/GAL	7
1.	Petition For Payment	7
2.	Petition To Include	7
3.	Special Costs Incurred by Court Appointed Attorneys/GALs	7
4.	Judicial Assignment	7
E.	DISCLAIMER	7
II.	CIVIL COURT RULES	8
A.	SMALL CLAIMS PROCEDURES	8
1.	General	8
2.	Return Date, Joinder Hearings And Appearances	8
3.	Default Judgments And Dismissals	8
4.	Pre-Trial Conferences	8
5.	Adjournments	9
6.	Garnishments	9
7.	Telephone Appearances	9
8.	Eviction Actions	9
B.	MOTION PRACTICE	10
1.	Letters to Court	10
2.	Non-Wisconsin Authorities	10
3.	Consolidation motions	10
4.	Multiple Filings	10
C.	SUBMISSION OF DOCUMENTS TO OPPOSING COUNSEL	10
1.	Proposed orders, etc.	10
2.	Documentary Exhibits	10
D.	PRE-TRIAL PRACTICE	11
1.	Attorneys	11

2.	Discovery	11
3.	Limitation of Interrogatories.....	11
E.	ADJOURNMENTS	12
1.	Permission Required.....	12
2.	Telephonic requests.....	12
III.	FAMILY COURT RULES.....	13
A.	<i>EX PARTE</i> PRACTICE.....	13
1.	Affidavit of Party, Fact Witness or Expert Witness Required	13
2.	Order Shortening Time for Notice of Hearing	13
B.	TEMPORARY ORDERS HEARINGS	13
1.	Preliminary Financial Disclosure and Other Required Preparation	13
2.	Submission of Orders	13
C.	PRE-TRIAL PRACTICE.....	13
1.	Case Status Reports.....	13
2.	Pre-trial Conferences	13
3.	Appraisals.....	13
4.	Discovery Proceedings	14
D.	ADJOURNMENTS	14
1.	Permission Required.....	14
2.	Telephonic requests.....	14
E.	FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT	14
1.	Submitting to Court	14
F.	POST-JUDGMENT PRACTICE.....	14
1.	Matters Generally Heard by the Circuit Court Commissioner	14
2.	Matters Generally Heard by the Assigned Circuit Judge	14
3.	Contempt Proceedings	14
G.	GUARDIANS <i>AD LITEM</i> (GAL)	15
1.	Guardian <i>ad litem</i> List	15
2.	Direct Payment by Parties.....	15
3.	County Payment when all Parties are Indigent.....	15
4.	GAL Billing Practice	15
H.	LEGAL CUSTODY AND PHYSICAL PLACEMENT	16
1.	Parent Education Program.....	16
2.	Mental Health Evaluations or Assessments	16
3.	Review of Family Court Services (FCS) File	17
4.	Deposition of FCS Staff and Court Appointed Experts	17

I.	HEARING <i>DE NOVO</i>	17
1.	In General.....	17
2.	Waivers and Limitations of Right to Hearing <i>De Novo</i>	17
3.	Order in Effect Pending <i>De Novo</i> Hearing or Reconsideration Hearing.....	17
J.	MISCELLANEOUS MATTERS	17
1.	Submitting Orders.....	17
2.	Telephone Appearances.....	18
3.	Telephone Testimony	18
4.	Prohibited <i>Ex Parte</i> Communications.....	18
IV.	PROBATE COURT RULES.....	19
A.	JURISDICTION OF THE PROBATE COURT	19
1.	Applicable Wisconsin Statutes	19
B.	DOCUMENT PREPARATION	19
1.	If any of the local rules in B 1.(a-d) are not complied with the Register in Probate Office may refuse to receive and file them.....	19
C.	ESTATE MATTERS	19
1.	Wills, codicils, and any other testamentary documents	19
2.	Special Administrations.....	20
3.	Summary Settlements and Summary Assignments.....	20
4.	Hearing or Waiver of Hearing.....	20
5.	Closing Estates.....	20
6.	Extensions of Time to Close Estates.....	21
D.	GUARDIANSHIP, CONSERVATORSHIP, AND PROTECTIVE PLACEMENT	21
1.	Interested Parties.....	21
2.	Minor Guardianship.....	21
3.	Access to File	21
4.	Termination of a Guardianship.....	22
E.	CIVIL COMMITMENT MATTERS	22
1.	Appointment of GAL.....	22
V.	CRIMINAL COURT RULES	23
A.	PRE-TRIAL CONFERENCES	23
B.	MOTIONS	23
C.	ADJOURNMENTS	23
D.	ATTORNEY OF RECORD.....	23
E.	HAZARDOUS PHYSICAL EVIDENCE	23
F.	PLEA HEARINGS	24
G.	SANCTIONS	24

H.	HUBER PRIVILEGES & COMMUNITY SERVICE WORK	24
VI.	JUVENILE COURT RULES	25
A.	CUSTODY HEARINGS	25
B.	LEGAL REPRESENTATION FOR MINORS	25
1.	Jefferson County Guardian <i>ad Litem</i> (GAL)	25
2.	Notification of Appointment	25
3.	Termination of Appointments/Re-Appointments and Continuing Appointments	25
4.	Documents to be Served	26
5.	Special Costs Incurred by Court Appointed Attorneys/GAL	26
C.	SCHEDULING OF HEARINGS	26
1.	Plea Hearings and Pre-Trial Conferences	26
2.	Deferred Prosecution/Consent Decree Hearings	27
3.	Pre-Hearing Practice	27
4.	Waiver Hearing Time Limits	27
D.	DISPOSITION	27
1.	Court Report	27
2.	Waiver of Court Report	27
3.	Contents	27
4.	Payment Responsibility	27
E.	TERMINATION OF PARENTAL RIGHTS	28
1.	GAL deposit	28
2.	Written Notice to Parents	28

I. GENERAL RULES (applies to all case types)

A. ELECTRONIC FILING (eFiling), REDACTION AND SEALING

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

B. FACSIMILE TRANSMISSIONS OF DOCUMENTS TO THE COURT

Facsimile documents transmitted directly to the court shall be accepted for filing only if the filer is not a mandatory eFiling party and all of the following apply:

- facsimile transmission is allowed by rule pursuant to statute.
- the document does not exceed fifteen (15) pages in length, excluding cover sheet.
- no filing fee is required
- no additional fee or charge must be paid by the Circuit Court for accepting or receiving the facsimile document.

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:

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

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

The Circuit Court Judge or Clerk is not responsible for:

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

A judge assigned to a particular matter may authorize filing of particular documents that do not conform to these rules if good cause is shown and the filing is in conformance with § 801.16, Wis. Stats.

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 in the discretion of the judge or clerk – but the facsimile cover sheet must identify the transmission as being preapproved for such purpose(s).

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. Such attempts will not be received nor filed.

C. TELEPHONE AND AUDIO-VISUAL EQUIPMENT AND PROCEEDINGS AND TELEPHONE CONFERENCES

1. Telephone Testimony

Upon satisfaction of statutory requirements, an attorney, party or witness may appear by telephone only with permission of the court, under procedure established by Wisconsin Statutes.

2. Audiovisual Equipment

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.

D. COURT APPOINTED COUNSEL/GAL

1. Petition For Payment

Court appointed counsel/GAL shall submit a petition for payment quarterly and within 10 days following the final hearing. Petitions may be made more than quarterly only if the total fees and costs exceed \$200.00

2. Petition To Include

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.

3. Special Costs Incurred by Court Appointed Attorneys/GALs

See Section VI B 5. of these rules.

4. Judicial Assignment

A judge's assignment/reassignment to a case supersedes an attorney's appointment in all instances.

E. 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.

II. 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 noted, the Wisconsin Statutes apply, without reference.

A. SMALL CLAIMS PROCEDURES

1. General

A guide to Small Claims procedures is available from the Clerk of Courts upon request and is also available online at www.wicourts.gov.

The return dates and pretrial conferences on all small claims matters are generally heard before a circuit court commissioner.

2. Return Date, Joinder Hearings And Appearances

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 will be required to state if they contest the allegations in the complaint at the time their case is called.

Personal appearance by all parties and/or their lawyers is required at the time of the return date. Filing written answers does not alleviate this requirement. Corporate parties shall appear by a lawyer or a full-time employee.

Service shall be as set forth in § 799.12 Wis. Stats., except the court does not authorize service as set forth in § 799.12(2) and (3) Wis. Stats.

3. Default Judgments And Dismissals

If a defendant does not appear at the time of the reading of the calendar, default judgment will be entered against the defendant in the amount requested in the complaint or a lesser amount if requested by the plaintiff upon filing proof of service, Affidavit of No-Answer and Non-Military Service within 30 days.

If the plaintiff does not appear, at the time of the reading of the calendar, the matter shall be dismissed.

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 before the return date.

4. Pre-Trial Conferences

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.

5. Adjourments

No adjournment of any proceeding will be granted without specific permission of the Court. Except for adjournment requests made at the return date, requests to adjourn shall 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 a request for adjournment is made with insufficient time to provide notice to all parties in writing, the court will address the request at the time of the reading of the calendar. Any objection to adjournment shall be provided to all other parties or, if represented, their attorneys, and shall indicate on its face that copies have been so provided.

Telephonic requests for adjournments may be made only when 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.

6. Garnishments

Personal service on the Garnishee Defendant and the Judgment Debtor is required for all Non-earnings Garnishment actions. Proof of same must be filed with the Court before any proceeds can be released. Mail service for Earnings Garnishment actions is permitted.

7. Telephone Appearances

Except as may otherwise be authorized or ordered by the Court, telephone appearances are allowed only in Garnishment and Order To Show Cause hearings and then only by permission of the judge. Any plaintiff or plaintiff's counsel who intends to appear by telephone at a Garnishment or Order To Show Cause hearing shall include the following language on the respective notice or pleading: "Pursuant to local court rule: Plaintiff intends to appear by telephone at this hearing. If defendant wishes to appear by phone he/she/they must make this request to the judge, independently. Otherwise he/she/they must appear in person. Any party who intends to offer documents or other evidence at this hearing shall furnish copies to the opposing party or, if represented, opposing counsel, at least 48 hours (two business days) prior to the hearing. Failure to comply with this requirement may result in exclusion of evidence or other sanctions."

8. Eviction Actions

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, 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 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 sent a copy to the tenant 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.

B. MOTION PRACTICE

1. Letters to Court

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.

2. Non-Wisconsin Authorities

Copies of non-Wisconsin legal authority will be provided to the court with the cited document.

3. Consolidation motions

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.

4. Multiple Filings

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, this fact shall immediately be brought to the attention of the judge and clerk assigned to the earliest filed case. In turn, that judge 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.

C. SUBMISSION OF DOCUMENTS TO OPPOSING COUNSEL

1. Proposed orders, etc.

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 or be deemed waived. Any such objection shall specifically describe the objectionable part of the proposed documents and the moving party's proposed alternative.

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.

2. Documentary Exhibits

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.

D. PRE-TRIAL PRACTICE

1. Attorneys

Trial counsel must appear in person at the pre-trial conference. The attorneys appearing at the 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.

2. Discovery

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.

3. Limitation of Interrogatories

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.

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. 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.

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. ADJOURNMENTS

1. Permission Required

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.

2. Telephonic requests

Telephone requests for adjournments may be made only when the adjournment is 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.

III. FAMILY COURT RULES

A. EX PARTE PRACTICE

1. **Affidavit of Party, Fact Witness or Expert Witness Required**
Motions for *ex parte* orders must be accompanied by one or more affidavits of a party, lay witness, or expert witness based on facts of record or alleged in proper affidavits justifying the issuance of the proposed order. Affidavits of only attorneys are not sufficient.
2. **Order Shortening Time for Notice of Hearing**
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 business (5) days. The parties may agree to continue the *ex parte* order and set a later hearing date.

B. TEMPORARY ORDERS HEARINGS

1. **Preliminary Financial Disclosure and Other Required Preparation**
Each party shall file a preliminary financial disclosure statement, with attached documentation of income, on or before the date of the hearing, on the court's standard form. If a party fails to file a preliminary financial disclosure statement, the court commissioner may accept the other party's financial statement, or continue the matter for further hearing, and assess costs.
2. **Submission of Orders**
The findings and orders shall be submitted by assigned counsel within ten (10) business days after the hearing or earlier if so directed by court.

C. PRE-TRIAL PRACTICE

1. **Case Status Reports**
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 commissioner uses the Case Status Reports to enter pre-trial orders regarding appraisals, mediation and custody and placement studies.
2. **Pre-trial Conferences**
If the parties are unrepresented, the circuit court commissioner will schedule the parties for a pre-trial conference approximately 90 day after the date of service. If one or both of the parties are represented and no case status report is filed in accordance with the scheduling order, the circuit court commissioner will schedule a pretrial conference.. If the parties file a completed Marital Settlement Agreement prior to the conference and the Marital Settlement Agreement is approved, the circuit court commissioner may cancel the conference.
3. **Appraisals**
If parties cannot agree on property values, including real estate, personal property and 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.

4. Discovery Proceedings

Motions to compel discovery and for sanctions for failure to make discovery are generally heard by the Circuit Court assigned to the case.

D. ADJOURNMENTS

1. Permission Required

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.

2. Telephonic requests

for adjournments may be made only when the adjournment is 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.

E. FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT

1. Submitting to Court

In cases that are not contested and the parties are unrepresented, the Findings of Fact, Conclusions of Law and Judgment shall be submitted to the court at the time of the final hearing. In all other cases, the Findings of Fact, Conclusions of Law and Judgment shall be submitted within 30 days of the date of the final hearing.

F. POST-JUDGMENT PRACTICE

1. Matters Generally Heard by the Circuit Court Commissioner

The circuit court commissioner usually hears all post judgment motions to modify or enforce child support, family support, maintenance, legal custody and physical placement.

2. Matters Generally Heard by the Assigned Circuit Judge

The circuit court judge hears proceedings for enforcement of orders concerning division of property and debts and motions for relief from judgment.

3. Contempt Proceedings

In actions for contempt not filed by the Child Support Agency, the notice of thee right to an attorney shall be served with the pleadings. The Notice of the Right to an Attorney form is available at the Clerk of Court's office.

G. GUARDIANS AD LITEM (GAL)

1. Guardian *ad litem* List

The court shall maintain a list of attorneys qualified and willing to accept Guardian *ad Litem* appointments. Jefferson County uses a contract system for many Guardian *ad Litem* appointments. While an attorney may qualify for appointments made as exceptions to the Contract, no attorney is guaranteed appointment as a result of being on the alternate list. Appointments are made in the sole discretion of the Judge presiding.

2. Direct Payment by Parties

The orders shall require payment by the parties (or one party only, if the other is indigent) directly to the GAL, at the appointed attorney's usual and ordinary private billing rate. The standard deposit shall be \$1,000, subject to modification by the court. The court may order reasonable increases or supplemental lump sum deposits if required by the needs of the case. Unused deposits are subject to refund. If a party does not comply with a payment order, the GAL may file enforcement proceedings.

3. County Payment when all Parties are Indigent

Indigence is presumed if a party is receiving any form of means-tested public assistance, or has income not exceeding 185% of the federal poverty standard. However, total economic circumstances shall be considered in determining ability to pay. If all parties are indigent, GAL fees and costs are payable by Jefferson County at the hourly rate established by the court, subject to reimbursement as provided for in §767.407(6) Wis. Stats. In the event that an order for payment by the parties to the GAL directly, at the private rate, is later converted to an order for county payment, the county rates shall apply to all services (including past due charges for fees and costs) ordered paid by the county subject to reimbursement as provided for in § 767.407(6) Wis. Stats.

4. GAL Billing Practice

a) For Private Pay Cases: If the court orders payments made directly to the GAL pursuant to 6.02 above, the GAL shall submit billing statements directly to the parties at least once per quarter. When billing the parties privately, the GAL shall comply with the provisions of Supreme Court Rule 20:1.15 regarding disbursement of funds held in the GAL's trust account. Each billing statement shall include the following notice: "Objection to a GAL bill must be in writing and filed with the court within five (5) days of receipt. The objections must be itemized, corresponding to the corresponding to the itemization in the billing statement and must give specific reasons for each objection." If an objection is timely filed, the court shall set the matter for hearing.

b) For County Pay Cases: Non-contract GAL appointments: The GAL shall submit a petition for payment quarterly and within 10 days following the final hearing if the appointment is not continued. Petitions may be made more than quarterly only if the total fees and costs exceed \$200.00. 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. Every petitioner shall include the following notice: "Objections to a GAL bill must be in writing and filed with the court within five (5) days of receipt. The objections must be itemized, corresponding to the itemization in the billing statement and must give specific reasons for each objection." The GAL shall file a proposed order for payment with petition for payment. The GAL shall sent a copy of the petition, billing statement and proposed order to the parties. If an objection is timely filed, the court shall set the matter for hearing. (Contract GAL's shall follow the terms of the contract).

c) Costs: The GAL shall obtain court approval prior to incurring substantial or uncommon costs or expenses. Costs and expenses that are reimbursable: a. Retention of investigation or expert services, including associated travel time and mileage; b. reasonable mileage at the IRS rate. Reasonable mileage does not include mileage to and from the courthouse; c. photocopy costs if the GAL incurs photocopy costs on any one case that exceeds \$5.00; d. long distance telephone calls in the amount of \$5.00 or more, all calls must be itemized and documented; e. certified or express mail costs which must be accompanied by a receipt if the total cost per mailing is \$5.00 or more; f. transcript preparation fees; g. service of process or witness fees; h. any other reasonable expenses related to a case appointment.

d) Clerk of Courts Bookkeeping Reviews and Reports: The Clerk of Courts shall maintain an annual record of family court GAL fees and costs ordered paid by the county. In cases where parties have been ordered to pay or reimburse the county, the clerk shall periodically review the record of payments and report the results of such reviews to the Corporation Counsel. In any case in which no orders requiring or waiving payment have been made, the clerk shall so report to the court commissioner, who shall then enter such payment orders as may appear appropriate from the record or initiate proceedings for entry of payment orders.

H. LEGAL CUSTODY AND PHYSICAL PLACEMENT

1. Parent Education Program

In new actions for divorce and legal separation, with minor children and paternity and support actions in which the parties do not reside in the same household the court commissioner shall order the parties to complete a parent education class.

2. Mental Health Evaluations or Assessments

If a party requests a mental health evaluation or assessment be conducted at county expense:

a) The requesting party shall file a motion or stipulation with the circuit court asking for an evaluation and assessment,

b) The motion or stipulation must address the reasons and need for the proposed evaluation or assessment, the proposed evaluator, the availability of the evaluator, and, if available,

c) A letter agreement 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. In cases requiring private payment, the proposed order shall specify the parties' responsibility for payment, including any advance payment specified in the provider's letter agreement. In indigence cases, if the order is granted the GAL is authorized to incur and include the proposed expense as a cost in the GAL's next billing statement or the GAL may request payment by the County directly to the evaluator.

3. Review of Family Court Services (FCS) File

Unless the FCS staff conducting a study is called to testify at a hearing prior to trial, the FCS file is not subject to review by parties or counsel until after the report has been filed.

4. Deposition of FCS Staff and Court Appointed Experts

The FCS staff or court appointed mental health expert shall not be deposed before they file a report. The attorney requesting the deposition shall review the FCS file before the deposition. The party deposing the FCS staff or a 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 hours, subject to additional time upon stipulation or a motion with supporting affidavit showing need for additional time.

I. HEARING *DE NOVO*

1. In General

A party seeking review of a decision of the circuit court commissioner shall file a motion within 20 days of the date the order is signed. The motion shall identify the findings, orders or rulings the party wants reviewed. The circuit court commissioner will review the motion and may schedule the matter for a reconsideration hearing prior to routing to the circuit court for a *de novo* hearing.

2. Waivers and Limitations of Right to Hearing *De Novo*

Court commissioner findings and orders entered by stipulation are not subject to *de novo* hearing or *de novo* review. Court commissioner findings entered by default are not subject to *de novo* hearing or review. However, court commissioner orders entered by default are subject to *de novo* review.

3. Order in Effect Pending *De Novo* Hearing or Reconsideration Hearing

The court commissioner order remains in effect unless stayed or modified by the commissioner or the judge prior to the new hearing.

J. MISCELLANEOUS MATTERS

1. Submitting Orders

All orders submitted to the court shall be approved as to form when required by statute, otherwise submitted with a letter to the court asking

the court to hold the order for five (5) business days to allow the other party to object to the order.. Upon receipt of the signed order, the submitting party shall promptly forward one to each non-electronic party.

2. Telephone Appearances

Status conferences and non-contested hearings may be conducted by telephone, in the discretion of the presiding judge or commissioner.

The court may allow appearances by counsel and pro se parties for motion hearings or final hearings for good cause shown, upon reasonable notice of the request to other counsel and pro se parties. If the hearing was scheduled by the Child Support Agency, an attorney or party seeking permission to appear by phone must first seek the consent of the Child Support Agency. If there is no agreement, the attorney or party may request a ruling on the request by the presiding judge or commissioner.

3. Telephone Testimony

Telephone testimony of witnesses in contested matters shall not be allowed except upon a stipulation or pursuant to §807.13 Wis. Stats. If permitted to testify by telephone, the proponent of the testimony shall provide all counsel and pro se parties 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.

4. Prohibited *Ex Parte* Communications

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.

IV. PROBATE COURT RULES

A. JURISDICTION OF THE PROBATE COURT

1. Applicable Wisconsin Statutes

Probate actions under Chapters 851 through 879 Wis. Stats.

Guardianship and Protective Placement/Services actions under Chapters 54 and 55 Wis. Stats., except some guardianships of the person for a minor under Chapter 48 Wis. Stats.

Trusts Actions under Chapter 701 Wis. Stats.

Involuntary mental, drug, and alcohol commitments (civil commitments) under Chapter 51 Wis. Stats.

Adult Adoptions under Chapter 882 Wis. Stats.

Elder Abuse Restraining Orders under § 813.123 Wis. Stats.

B. DOCUMENT PREPARATION

1. If any of the local rules in B 1.(a-d) are not complied with the Register in Probate Office may refuse to receive and file them.

- a) All papers submitted shall be typed or legibly handwritten;
- b) All papers will be filed on 8½" by 11 inch" paper with the exception of testamentary documents (wills, codicils, etc.) and printed on one side only;
- c) Uniform circuit court forms shall be used where available;
- d) Where a proposed order is filed with the Court, it must be presented as a separate document from any other documents pertaining to the issue;

C. ESTATE MATTERS

1. Wills, codicils, and any other testamentary documents

- a) Wills, codicils, and/or any other testamentary documents of a decedent which will not be subject to any probate proceeding must be filed and must be accompanied by an Affidavit of No Probate;
- b) The Affidavit of No Probate MUST 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.

2. Special Administrations

- a) Sections 867.05 (5) and 867.07 through 867.21 Wis. Stats. will be strictly interpreted by the Court.
- b) A proof of heirship MUST 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.
- c) 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.
- d) 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 MUST be initiated.

3. Summary Settlements and Summary Assignments

- a) A proof of heirship MUST be filed with all opening documents for summary settlement or summary assignment.

4. Hearing or Waiver of Hearing

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

5. Closing Estates

- a) A final account is not required in an Informal Probate Administration.
- b) 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 § 862.15 Wis. Stats., without the presentment of canceled checks or other proof of disbursements made.
- c) 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.
- d) 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 file a Federal Estate Tax Return.

e) In an Informal Probate Administration the Personal Representative's Statement to Close Estate (state 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 Statement shall be the final document filed.

6. Extensions of Time to Close Estates

a) All estates in Jefferson County shall be closed within fourteen (14) months of the filing a Petition for Formal Administration or an Application for Informal Administration.

(1) When an estate cannot be closed within the statutory or prescribed time limits, a verified petition setting forth the reasons for the request of an extension of time to close the estate must be filed with the court. A proposed order must also be submitted. The Court will determine if a hearing on notice is required or if the court will grant or deny the petition without a hearing.

D. GUARDIANSHIP, CONSERVATORSHIP, AND PROTECTIVE PLACEMENT

1. Interested Parties

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

2. Minor Guardianship

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

3. Access to File

IN ADDITION TO the parties specified in §§ 54.75, 51.30, or 55.22 Wis. Stats., the following parties may be granted access to the files:

a) Title Insurance and Abstract Companies, by their duly licensed agents and representatives, may have limited access to information contained 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;

b) 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;

c) 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.

d) Others may obtain access, subject to necessary limitations, by court approval only;

In all cases, information shall be requested on proper letterhead and/or with proper identification, and in no case shall information be provided over the telephone.

4. Termination of a Guardianship

a) Upon the 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 that the guardian will need to complete and file to terminate the guardianship;

b) 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 terminate the guardianship and have the guardian discharged. If the guardian needs additional time to complete and file the forms, then the guardians may request additional time from the Register in Probate;

c) Ward now competent: A court hearing is required where an incompetent has allegedly regained competency. A petition for discharge of a guardian and an order and notice for hearing must be filed to initiate the action. A competency report must also be submitted or requested to substantiate the petition for termination. The Court may appoint a guardian *ad litem* and an examining expert.

E. CIVIL COMMITMENT MATTERS

1. Appointment of GAL

a) The court shall appoint a guardian *ad litem* for all minors age fourteen (14) and under subject to a civil commitment. The court, in its discretion, may appoint a guardian *ad litem* for a minor over the age of fourteen (14) at the probable cause hearing.

b) Any guardian *ad litem* appointed for a minor in a civil commitment matter shall remain active in the case until the minor reaches the age of fourteen (14), is discharged by the court, or the case concludes without a petition for extension.

c) Any guardian *ad litem* appointed for a minor in a civil commitment matter shall file a Statement of GAL (JD-1799) twenty-four (24) hours prior to the final hearing.

V. CRIMINAL COURT RULES

A. PRE-TRIAL CONFERENCES

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.

B. MOTIONS

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.

C. ADJOURNMENTS

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."

D. ATTORNEY OF RECORD

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.

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.

E. HAZARDOUS PHYSICAL EVIDENCE

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.

F. PLEA HEARINGS

It is the responsibility of defense counsel to complete the Plea Questionnaire/Wavier 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 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.

G. SANCTIONS

Violation of any rule is punishable at the court's discretion.

H. HUBER PRIVILEGES & COMMUNITY SERVICE WORK

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.

VI. JUVENILE COURT RULES

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

A. CUSTODY HEARINGS

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.

B. LEGAL REPRESENTATION FOR MINORS

1. Jefferson County Guardian *ad Litem* (GAL)

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 proceeding, 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.

2. Notification of Appointment

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.

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.

3. Termination of Appointments/Re-Appointments and Continuing Appointments

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.

Re-Appointments: After termination of the appointment, re-appointment for post-dispositional proceedings shall be as set forth as determined by the court.

Continuing Appointments: If an order provides for out of home placement, the appointment may continue in the sole discretion of the judge presiding in the case. If the appointment continues it shall be as specifically stated by the court, while the order for out of home placement remains in effect, for purposes specified by the court. The court may appoint contract counsel or other counsel, in the court's discretion in lieu of the foregoing. A judge's assignment/reassignment to the case supersedes an attorney's appointment in all instances.

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.

4. Documents to be Served

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.

5. Special Costs Incurred by Court Appointed Attorneys/GAL

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:

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.

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.

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.

C. SCHEDULING OF HEARINGS

1. Plea Hearings and Pre-Trial Conferences

When a petition is contested, a pre-trial conference date will be scheduled. Pre-trial conferences will be conducted at the District Attorney's Office.

2. Deferred Prosecution/Consent Decree Hearings

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 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.

3. Pre-Hearing Practice

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.

4. Waiver Hearing Time Limits

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

D. DISPOSITION

1. Court Report

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 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.

2. Waiver of Court Report

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.

3. Contents

In addition to the requirements of and §§ 48.33 and 938.33 Wis. Stats., written and oral court reports shall include copies of previous Jefferson County dispositional orders.

4. Payment Responsibility

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.

E. TERMINATION OF PARENTAL RIGHTS

1. GAL deposit

Pursuant to § 48.41 Wis. Stats., private petitioners will pay a \$250 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.

2. Written Notice to Parents

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.