

CHAPTER CR
RULES OF THE CIRCUIT COURT
AS OF AUGUST 15, 2019

I General Provisions

- CR 01-1 Intent and Case Assignment
- CR 01-2 Circuit Court Commissioners
- CR 01-3 Appointment of Guardians ad Litem
- CR 01-4 Time Standards
- CR 01-5 Weapons in Court Facilities

CR 01-1 INTENT AND CASE ASSIGNMENT

Unless otherwise ordered by the Chief Judge, the cases in Kenosha County will be assigned by tab where necessary. As of August 1, 2009 there are eight (8) branches of court as follows:

Criminal	Criminal/Juvenile
Criminal	Juvenile/Guardianship and ME
Criminal	Family/Civil
Civil/Family	Civil/Family

The Office of the Chief Judge will handle all reassignment of cases. Judges will rotate case assignment every two (2) years. Rotations will be effective in even numbered years on August 1.

CR 01-2 CIRCUIT COURT COMMISSIONERS

Circuit Court Commissioners may act on behalf of any branch of the court on any matter as authorized by law. In accordance with section 757.69(1), Wis. Stats., said court commissioners may order for a willful nonpayment of a forfeiture commitment to the county jail, and if so ordered, the commitment shall be no greater than for a period of one day for each fifty dollars of the forfeiture and costs not paid, or suspension of operating privileges, or the entry of a civil judgment. The clerk shall issue a commitment when appropriate in conformity with this rule.

CR 01-3 APPOINTMENT OF GUARDIANS AD LITEM

Judges of the Circuit Court shall appoint in each calendar year guardians ad litem to serve the court. Guardians ad litem shall be assigned cases by the court in a manner to equalize the guardian ad litem caseloads. The guardians ad litem and the successor guardians ad litem shall continue on a case without further order of the court, including for purposes of extension or review.

CR 01-4 TIME STANDARDS

The court adopts the following time standards for criminal and civil cases. Each standard represents the maximum amount of time needed from arrest to trial in criminal cases and from filing to final disposition in civil cases.

Criminal	
Felony	6 months
Misdemeanor, Traffic, Ordinance	6 months
Civil	
Personal Injury/Property Damage	18 months
Contract/Money Judgments, Other Civil	12 months
Divorce, Other Family	12 months
Estates	12 months
Small Claims, Contested	3 months
Child Support	6 months
Paternity	6 months
Termination of Parental Rights	4 months

CR 01-5 WEAPONS IN COURT FACILITIES

Regardless of the existence of any permit of any nature, no weapon shall be permitted into any facility in which courts or court functions are being conducted, except by an on-duty law enforcement officer not involved in any litigation on the day of entry unless, at least 24 hours prior to the time of entry, a written order permitting the introduction of the weapon is given by the Chief Judge or the Chief Judge's designee. Prior to the issuance of such an order, the Chief Judge shall notify all judges and court commissioners, the Clerk of the Court, the Sheriff, the Chief of the Kenosha Police Department and the District Court Administrator of the anticipated presence of the weapon, the identity of the bearer, and the duration of the Chief Judge's order for admittance. For purposes of this order, "law enforcement officer" does not include the District Attorney or members of the District Attorney's staff.

CR 1-6 PHOTOGRAPHING, BROADCASTING, AND RECORDING

No one may take any photographs of, make any recordings in, or make any broadcasts from any of the courtrooms, jury rooms adjacent to the courtrooms and adjacent areas, or the corridors, without first obtaining permission from the person in charge of those areas. These prohibitions do not apply to ceremonial proceedings.

II Court Operations

- CR 02-1 Continuance/Adjournment
- CR 02-2 Schedule
- CR 02-3 Attorney Calendars
- CR 02-4 De novo Review of Circuit Court Commissioner's Decision

CR 02-5 Format of Papers submitted for filing.
CR 02-6 Facsimile Transmission of Documents to the Court
CR 02-7 Removal of Court Files from the Courthouse
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CR 02-9 Electronic devices
CR 02-10 Admission of Electronic Evidence
CR 02-11 Electronic filing of documents needing a court date and/or action to be taken by a court official

CR 02-1 CONTINUANCE/ ADJOURNMENT

Because a judge is required to combat delay and promote prompt justice, the court will adhere to a strict continuance policy. No adjournments shall be granted except for good cause. A request for adjournment shall be in writing. The parties' signatures are required and counsel must specify the number of adjournments requested and granted to date and the reasons therefore.

CR 02-2 SCHEDULE

The court will schedule every case for next action or review date at each appearance.

CR 02-3 ATTORNEY CALENDARS

Attorneys are required to have their calendars with them in court so that dates can be set in the courtroom when possible. 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.

CR 02-4 DE NOVO REVIEW OF CIRCUIT COURT COMMISSIONER'S DECISION

Regardless of the nature of the underlying action, unless there is a different limit prescribed by law the following procedures will control the DE NOVO review of Court Commissioner decisions.

1. Pursuant to Wis. Stat. 757.69(8), any party who was present at a hearing held by the Court Commissioner has the right to have the assigned Circuit Court Judge hold a new hearing upon the filing of a motion within 15 days of the oral decision of the Court Commissioner, or within 15 days of mailing of a written decision by the Court Commissioner if the order was not orally given by the Court Commissioner at the time of hearing. Findings and orders entered by the Court Commissioner by stipulation or entered by default are not subject to de novo review. Fifteen (15) days shall be counted consecutively and include weekends and holidays pursuant to Wis. Stat. 801.15(1).
2. The party requesting the de novo review must notify in writing all interested parties, including the guardian ad litem, and the Court Commissioner of the time and date for the hearing.

3. In cases of Restraining Orders, the party requesting the de novo review need not notify in writing the other party if the address is confidential or unknown to the party. The Deputy Clerk of the Branch assigned the de novo review will notify the other party.
4. An order based on the decision of the Court Commissioner must be on file prior to the de novo hearing.

CR 02-5 FORMAT OF PAPERS SUBMITTED FOR FILING

Every paper filed or submitted shall comply with the following requirements:

1. All documents shall be printed on 8½ by 11 inch white paper.
2. Print may appear on only one side of a page of paper.
3. Except for correspondence and photocopies of exhibits, print on all documents shall be double-spaced.
4. 12 point font shall be employed, except that copies of depositions may be submitted in quadrant format.
5. If multiple exhibits are submitted with or attached to documents, the exhibits shall be separated by tabs which each contain a reference letter or number.
6. Where possible, copies of documents greater in size than 8½ by 11 inches shall be reduced to that size.
7. Printed material may not appear in the top 1inch of any page.

CR 02-6 FACSIMILE TRANSMISSION OF DOCUMENTS TO THE COURT

1. Facsimile documents transmitted directly to the courts shall be accepted for filing only if:
 - a. The Circuit Court has a facsimile machine capable of reproducing documents that meet the Supreme Court rule 72.01 concerning retention of filed documents.
 - b. The Circuit Court has a facsimile machine physically located within the offices of the Circuit Court or the Register in Probate.
 - c. The document does not exceed fifteen (15) pages in length excluding the cover sheet, unless the assigned judge or court commissioner on a case-by-case basis approves an exception.
 - d. No filing fee is required.
 - e. No additional fee or charge must be paid by the Circuit Court for accepting or receiving the facsimile document.

2. Facsimile documents transmitted to a non-court agency, party or company for reception and ultimate transmittal to the court shall be accepted for filing only if;
 - a. No filing fee is required.
 - b. No additional fee or charge must be paid by the Circuit Court for accepting or receiving the facsimile document.
3. The party transmitting the facsimile document is solely responsible for ensuring its timely and complete receipt.
4. The Circuit Court, judge or clerk is not responsible for:
 - a. Errors or failure in transmission that result in missing or illegible documents.
 - b. Periods when a Circuit Court facsimile machine is not operational for any reason.
5. A judge assigned to a particular matter may authorize in advance the filing of particular documents in that case that do not conform to these rules if good cause is shown and they are in conformity with section 801.16, Wis. Stats.
6. Documents that are not to be filed but are to be used by the court for reference or other purpose may be transmitted by facsimile transmission at the discretion of the judge or clerk.
7. Facsimile papers are considered filed upon receipt by the clerk of court and may not be substituted. No additional copies may be sent. The clerk of court shall discard any duplicate papers subsequently received by the clerk of circuit court, assigned judge or court commissioner.
8. Documents are considered filed when received except that documents received by facsimile transmission after regular business hours of the Clerk of Court's office are considered filed if the submission is made by 11:59 central time, as recorded by the court facsimile machine. The expanded availability of time to file shall not affect the calculation of time under other statutes, rules and court orders, pursuant to section 801.16(2)(f), Wis. Stats.
9. All sworn affidavits transmitted by facsimile shall contain a visible notary stamp.

CR 02-7 REMOVAL OF COURT FILES FROM THE COURTHOUSE

Court files will not be removed from the courthouse except by Judicial personnel and appellate attorneys.

CR 02-8 FACSIMILE TRANSMISSION OF DOCUMENTS FROM COURT FILES

The Circuit Court will transmit documents from a court file to an attorney or requesting agency under the following conditions:

1. A charge of \$1.25 per page.
2. Immediate payment of charge upon receipt of statement.

CR 02-9 ELECTRONIC DEVICES

Except as otherwise permitted by the judge or court commissioner, all court proceedings shall be free from interruption by the sounding of electronic devices such as cell phones, pagers, beepers, and electronic watches. All persons present at a court proceeding who possess such a device shall deactivate the device to ensure that no audio signal will sound. If the device cannot be deactivated in this manner, then the device shall not be brought into the room where the court proceeding is being conducted. Law enforcement officers providing security to a court proceeding shall be exempt from this requirement.

CR 2-10 ADMISSION OF ELECTRONIC EVIDENCE

Photographic or written evidence stored in electronic format which is sought to be admitted as an exhibit in a evidentiary hearing shall be provided in printed format for admission at trial. This rule includes text messages, emails and photographs maintained on a cellular phone. Further videos stored in electronic format shall be provided on CD-Rs or DVD-Rs.

CR 2-11 ELECTRONIC FILING OF DOCUMENTS NEEDING A COURT DATE AND/OR ACTION TO BE TAKEN BY A COURT OFFICIAL

A party who electronically files a motion, document or correspondence which requests a date for a hearing and or other action to be taken by the Court with respect to such filing, shall within ten (10) days after the date such document is filed, contact the Clerk of the Court Official assigned to the case to schedule the matter or otherwise alert the Court as to the requested action to be taken.

III Criminal Matters

- CR 03-1 Appearances Required
- CR 03-2 Motions
- CR 03-3 Presentence Reports
- CR 03-4 Setting of Bonds
- CR 03-5 Occupational Licenses
- CR 03-6 Discovery Documents

CR 03-1 IN CRIMINAL MATTERS, APPEARANCES ARE REQUIRED

Defendants shall appear at all scheduled proceedings in the cases. Exception to this rule will be only by specific order of the judge.

CR 03-2 IN CRIMINAL MATTERS, MOTIONS

All evidentiary motions must comply with the term "with particularity" as required by section 971.30, Wis. Stats., by including a statement of facts, which may be on information or belief.

CR-03-3 IN CRIMINAL MATTERS, PRESENTENCE REPORTS

At least 48 hours prior to a scheduled sentencing, the Division of Community Corrections shall forward copies of the presentence report to the sentencing judge, the prosecutor, and the defense attorney. Any defense prepared presentence investigations shall also be filed at least 48 hours prior to the scheduled sentencing and served upon the prosecutor. Counsel and the defendant shall have reviewed the Division of Community Corrections report prior to the date set for sentencing.

CR 03-4 IN CRIMINAL MATTERS, SETTING OF BONDS

When court is not in session and it is requested that bail be set, application must first be made to a full-time Circuit Court Commissioner, and then, if unavailable, the Circuit Judges, who must all be unavailable before any other court commissioner may set bail and the conditions of bond. In every application, the requesting party must contact a representative of the Office of District Attorney for their position on bail so that the court is fully advised in the matter when first contacted.

CR 03-5 IN CRIMINAL MATTERS, OCCUPATIONAL LICENSES

When a party petitions the court for review of a denial of an occupational operator's license by the Department of Transportation, the petitioner must be a resident of Kenosha County, and the petition must be accompanied by the statutory filing fee. At the time the petition for review is filed, the petitioner must provide the Court with a recent copy of the petitioner's driving record abstract, a current SR-22 Proof of Insurance form, and a copy of the Department of Transportation's letter which denied the petitioner an occupational license.

CR 03-6 IN CRIMINAL MATTERS, DISCOVERY DOCUMENTS

All original copies of responses to demands for discovery or requests for documents (including exhibits and attachments to the response) shall be retained by the party who provided the response. Such documents may only be filed with the Clerk of Circuit Court in conjunction with a motion for relief based on failure of a party to provide discovery for which proper demand has been made, or as otherwise permitted by the Court. The party or the party's attorney shall retain all such documents until the expiration of any periods of review of appeal concerning the matter.

Before a party may move to compel discovery, the party shall confer in person or by telephone with the party against whom relief is sought and make a sincere attempt to resolve the issue. Certification of compliance with this rule must be filed with the motion to compel discovery.

IV Civil Matters

- CR 04-1 Motions with Accompanying
- CR 04-2 Authority at time of Pretrial
- CR 04-3 Default Judgments on Foreclosures
- CR 04-4 Dismissal by Order is Required

CR 04-5 Extension of time in which to file an Answer
CR 04-6 Motions to Compel Discovery
CR 04-7 Writ of Assistance in Foreclosure actions

CR 04-1 IN CIVIL MATTERS, MOTIONS WITH ACCOMPANYING AUTHORITY

Every motion filed shall be accompanied by a memorandum of authority, concurrently filed, or by a statement of the movant that no memorandum will be filed. Except for a motion for summary judgment, if the non-moving party has been given at least ten (10) days advance notice of the motion hearing date, then any responsive memoranda or affidavits on the motion must be filed at least five (5) days prior to the date scheduled for hearing.

CR 04-2 IN CIVIL MATTERS, AUTHORITY AT TIME OF PRETRIAL

At the time of a pretrial, counsel must have authority to negotiate a settlement in the event their client does not appear. This rule may be satisfied if counsel has immediate telephone access to the client.

CR 04-3 IN CIVIL MATTERS, DEFAULT JUDGEMENTS ON FORECLOSURES

Granting of default judgments in mortgage foreclosures shall be by hearing or by affidavit in open court. This rule shall also apply to mortgage foreclosure sales. If the sale price is below 70% of market value, the moving party shall be required to show special circumstances to justify approval. Reasonable notice to the principal defendant of the hearings on default and confirmation of sale shall be given by the movant.

CR 04-4 IN CIVIL MATTERS, DISMISSAL BY ORDER IS REQUIRED

The attorney for the plaintiff shall prepare and present to the court a written order of dismissal in any case where issue has not been joined and a dismissal is requested or required by law.

CR 04-5 IN CIVIL MATTERS, EXTENSION OF TIME IN WHICH TO FILE AN ANSWER

A party plaintiff may not consent to or authorize an extension of the time to file an answer, under section 802.06, Wis. Stats., beyond an additional thirty (30) days, without approval of the court.

CR 04-6 IN CIVIL MATTERS, MOTIONS TO COMPEL DISCOVERY

1. A motion to compel discovery must be filed no later than 90 days after the date upon which the discovery response was due.
2. Before a party may move to compel discovery, the party shall confer in person or by telephone with the party against who relief is sought and make a sincere attempt to resolve the issue. Certification of compliance with this rule must be filed with the motion to compel discovery.

CR 04-7 IN CIVIL MATTERS, WRIT OF ASSISTANCE IN FORECLOSURE ACTIONS

In foreclosure actions, requests for Writs of Assistance shall not be submitted as part of the Motion for Confirmation of Sale, and the Order of Confirmation shall not include a provision authorizing a Writ of Assistance. Such requests shall be submitted as a separate motion for a separate order; shall set forth the particular facts justifying the request, shall certify that the movant has complied with all applicable provision of § 846.35, Stats. and the Federal Protecting Tenants at Foreclosure Act of 2009; and shall identify, as fully as possible, the occupant or occupants sought to be removed.

V Family Matters

- CR 05-1 Civil Court Rules Applicable
- CR 05-2 The First Hearing
- CR 05-3 Financial Disclosure Statements
- CR 05-4 Interim Financial Summary to Child Support Agency
- CR 05-5 The Scheduling Conference
- CR 05-6 Parenting Plan
- CR 05-7 The Ordering of Custody Studies
- CR 05-8 Statement of Disputed issues
- CR 05-9 The Findings, Conclusions and Judgment
- CR 05-10 The Hearing of Post Judgment Matters
- CR 05-11 Petition to Enforce Physical Placement.

CR 05-1 IN FAMILY MATTERS, CIVIL RULES APPLICABLE

The Local Court Rules contained in Section 4, CIVIL MATTERS, are applicable to all family cases unless contrary to law, or if in conflict with specific rule in this section

CR 05-2 IN FAMILY MATTERS, THE FIRST HEARING

If a party files a motion pursuant to sec. 767.225(2), Wis. Stats. for temporary orders, the hearing shall be held before the Family Court Commissioner within 30 days after the filing of the motion, unless such time is extended for cause in writing.

CR 05-3 IN FAMILY MATTERS, FINANCIAL DISCLOSURE STATEMENTS

Financial disclosure statements will be submitted on the approved court form. A preliminary disclosure is to be filed at the first hearing. Updated financial disclosures including a statement of assets and debts shall be exchanged and filed 7days prior to the Settlement Conference. The attorneys and/or parties shall exchange completed updated financial disclosures 48 hours prior to the trial.

CR 05-4 IN FAMILY MATTERS, THE INTERIM FINANCIAL SUMMARY TO CHILD SUPPORT AGENCY

The Interim Financial Summary to Child Support Agency must be prepared by the payee or payee's attorney and brought to court for any hearing that will change or modify any part of

the fiscal records of the parties. The order will be signed immediately following the hearing so that the information is distributed to the Child Support Agency to update the WISCTF system for receiving and distributing any payments during the time until formal orders are prepared. The payee or payee's attorney(s) are still obligated to file the original order with the court.

CR 05-5 IN FAMILY MATTERS, THE SCHEDULING CONFERENCE

Only one scheduling conference shall be held in divorce cases, except for good cause shown, as stated in the minutes. The matter will then be scheduled for a Settlement Conference, judicial pretrial and court trial before the Circuit Court assigned to the case. Updated financial disclosure statement, including a statement of assets and debts, shall be exchanged and filed 7 days prior to the Settlement Conference.

CR 05-6 IN FAMILY MATTERS, PARENTING PLAN

Both parents must file a parenting plan with the Guardian ad Litem 48 hours prior to the first appointment of either party with the Guardian ad Litem. These plans are not to be filed with the court. If the custody/placement issues are not resolved, the parties must file with the court and opposing counsel a final parenting plan 7 days prior to the Settlement Conference, or Judicial Pretrial. Failure to do so may result in adoption of the properly filed plan.

CR 05-7 IN FAMILY MATTER, THE ORDERING OF CUSTODY STUDIES

In all cases where the Family Court Commissioner determines the custody or physical placement of the minor children of the parties is contested, the Family Court Commissioner shall enter an order to require the parties to comply with the provisions of section 767.405(8), Wis. Stats. If after mediation the parties do not reach agreement on legal custody or periods of physical placement, the Family Court Commissioner shall enter an order to comply with the provisions of section 767.405(12), Wis. Stats. The Family Court Commissioner shall consider the financial resources of the parties when appointing a guardian ad litem and enter an order requiring the parties to reimburse the County of Kenosha for the fees of the guardian ad litem. The Family Court Commissioner shall enter an order requiring the fees as determined under section 814.615, Wis. Stats., to be paid. When ordered, studies shall be completed within 90 days from the date of the order.

CR 05-8 IN FAMILY MATTERS, STATEMENT OF DISPUTED ISSUES

Each party shall exchange with opposing party a Statement of Disputed Issues" which shall include a detailed summary of the issues and theories of contention, a description of the relevant facts, a list of disputed household goods, a list of stipulations, and recommended conclusions. A balance sheet showing the recommended division of property shall be attached to the Statement of Disputed Issues 7 business days prior to the first scheduled Court Trial.

CR 05-9 IN FAMILY MATTERS, THE FINDINGS, CONCLUSIONS AND JUDGMENT

Findings of fact, conclusions of law and judgment shall contain the current income levels of the parties at the time of the divorce. Pursuant to section 767.251, Wis. Stats., findings of fact, conclusions of law and judgment shall be drafted by the attorney for the moving party, and

shall be submitted to the court and filed with the Clerk of Court at the default hearing. All other findings of fact, conclusions of law and judgment must be filed within 30 days after judgment.

CR 05-10 IN FAMILY MATTERS, THE HEARING OF POST-JUDGMENT MATTERS

A Circuit Court Commissioner shall hear all post-judgment matters unless an objection in writing is filed five (5) days prior to the scheduled hearings. If objection is timely received, the matter shall be scheduled before a judge. All evidentiary hearings concerning post-judgment custody matters or cases involving a substantial change of placement will be heard by the judge assigned the case. The Circuit Court Commissioner shall hear all matters prior to an evidentiary hearing concerning this matter. All post-judgment petitions, motions, or orders to show cause filed after the last final order seeking to modify any of the following: placement, custody, maintenance or child support, shall be served in accordance with Wisconsin Statutes Section 801.11 or as otherwise directed by the Court.

CR 05-11 IN FAMILY MATTERS, PETITION TO ENFORCE PHYSICAL PLACEMENT

A Petition to Enforce Physical Placement must be accompanied by a sworn affidavit alleging the facts.

CR 05-12 IN FAMILY MATTERS, DENOVO HEARING

1. Pursuant to sec. 757.69(8) Wis. Stats., any party who was present at a hearing held by the Family Court Commissioner has the right to have the assigned Circuit Court Judge hold a new hearing upon a filing of a motion within 15 days of the oral decision of the Family Court Commissioner, or upon 15 days of mailing of a written decision by the Family Court Commissioner if the order was not orally given by the Family Court Commissioner at the time of hearing. Findings and orders entered by the Family Court Commissioner by stipulation or entered by default are not subject to de novo review. Fifteen (15) days shall be counted consecutively and include weekends and holidays pursuant to sec. 801.15(1), Wis. Stats.

2. The party requesting the de novo review must notify in writing all interested parties, including all guardians ad litem, the Family Court Commissioner, and the Child Support Agency of the time and date for the hearing.

3. An order based on the decision of the Family Court Commissioner must be on file prior to the de novo hearing.

VI PROBATE MATTERS

CR 06-1 Duty of Register in Probate

CR 06-2 Guardianship Fees

CR 06-3 Probate Court Policy Regarding Appearances in Chapter 51 Proceedings

CR 06-1 IN PROBATE MATTERS, DUTY OF REGISTER IN PROBATE

The register in probate shall notify the judge to whom the matter is assigned when any duty is more than 30 days late in being performed.

CR 06-2 GUARDIANSHIP FEES

Absent a written contract with the Kenosha County Department of Human Services, Division of Aging and Disability Services, the following fees will be considered reasonable under Wisconsin Statute sec. 54.72:

1. \$50.00 per hour not to exceed 5% of annual income of the ward;
2. Actual expenses for telephone calls, postage and mileage. Mileage will be reimbursed at the rate allowed by the Internal Revenue Service.

Guardians must submit itemized bills with the request for approval of fees. If a guardian has performed unusual services, he or she may submit a written request with an itemized bill setting forth the sufficient reasons as to why an exception to this policy should be made.

This policy will take effect on July 1, 2017 for all guardianships currently active or filed after that date.

CR 06-3 IN PROBATE MATTERS, PROBATE COURT POLICY REGARDING APPEARANCES IN CHAPTER 51 PROCEEDINGS

The Probate Court is aware of the unique challenges facing individuals in Chapter 51 civil commitment proceedings. Many of the individuals in these proceedings are experiencing both physical and mental health issues which make transportation from a mental health facility for a physical appearance more difficult. To provide more humane treatment of these individuals, the Probate Court desires to make alternative appearance arrangements for these individuals rather than require their physical appearance whenever possible. In recognition of the Wisconsin Supreme Court's Statement of Intent under sec. 885.50, Wis. Stats., the Probate Court believes that arranging for videoconferencing appearances provide much less disruption for the individual in these matters and will result in more efficient proceedings without compromising fairness and due process.

Therefore, the Probate Court, in exercising its discretion in the scheduling and handling of Chapter 51 cases, hereby makes the following rules and policies with respect to an individual's appearance in the proceedings:

1. Individual shall appear by videoconference, if available, for all probable cause hearing and any other Chapter 51 proceeding where the parties so stipulate.
2. If the individual desires to be physically present for a probable cause hearing, the individual and his/her counsel shall notify the Probate Court and Corporation

Counsel's Office in writing of the request to be physically present. (Said writing can be accomplished by email or fax.)

3. If the written request is received by the Probate Court and the Corporation Counsel by 3:00 P.M. the day before the probable cause hearing, the Corporation Counsel's Office shall make a good faith effort to make transportation arrangements so the individual can be physically present within the required 72-hour time frame required by statute. Nothing in this paragraph shall be interpreted to suggest that an individual's appearance by videoconference is inadequate to satisfy the statutory and constitutional rights of an individual at a Chapter 51 probable cause hearing.
4. In the event the request or transportation arrangements for a physical appearance is not made within the time referenced in subsection (3) above, then the individual and his/her counsel may adjourn the probable cause hearing pursuant to Wis. Stat. Sec 51.20(7)(a). The individual then shall be brought and be physically present in the courtroom for the adjourned probable cause hearing. An individual may forfeit his/her right to be physically present, or the request for physical presence may be denied by the Probate Court only on a finding of good cause.
5. Nothing in the policy shall be interpreted as requiring an appearance by videoconferencing at the probable cause hearing or any other hearing if the parties to the proceedings agree that it is most efficient and appropriate to have an individual appear in person.

VII JUVENILE MATTERS

- CR 07-1 Filing Dispositional Reports
- CR 07-2 Policies for Intake and Detention
- CR 07-3 Discovery Policy

CR 07-1 IN JUVENILE MATTERS, FILING OF DISPOSTITIONAL REPORTS

Dispositional reports shall be filed at least 48 hours prior to the dispositional hearing unless a later filing deadline is approved by the court.

CR 07-2 IN JUVENILE MATTERS, POLICIES FOR INTAKE AND DETENTION

Policies of the court as previously entered by the court concerning juvenile intake and detention policies remain in effect and are a rule of court. (A copy can be obtained from Juvenile Intake Office.)

CR 07-3 IN JUVENILE MATTERS, DISCOVERY POLICY

All original copies of responses to demands for discovery or requests for documents (including exhibits and attachments to the response) shall be retained by the party who provided the response. Such documents may be filed with the Clerk of Circuit Court only in conjunction with a motion for relief based on failure of a party to provide discovery for which

proper demand has been made, or as otherwise permitted by the Court. The party or the party's attorney shall retain all such documents until the expiration of any periods of review of appeal concerning the matter.

VIII SMALL CLAIMS MATTERS

- CR 08-1 Pleadings
- CR 08-2 Service of Process
- CR 08-3 Writs of Restitution
- CR 08-4 Replevin Judgments
- CR 08-5 Written Answer Required
- CR 08-6 Written Answer by Non-Residents
- CR 08-7 Requests by Defendant for Adjournment of Initial Return Date.

CR 08-1 IN SMALL CLAIMS MATTERS, PLEADINGS

All small claim actions shall be commenced with a summons on a state approved form. Pursuant to section 799.06, Wis. Stats., all counterclaims and cross complaints shall be in writing.

CR 08-2 IN SMALL CLAIMS MATTERS, SERVICE OF PROCESS

Pursuant to section 799.12, Wis. Stats., except for eviction actions, service may be made by regular mail by leaving the original and necessary copies of the summons with the clerk of court, together with the fee prescribed in section 814.62(4), Wis. Stats., only after attempted personal and substituted service under section 801.11, Wis. Stats., have failed and an affidavit of such attempted service is filed with the clerk. In eviction actions, service may be made by the use of certified mail with return receipt requested with the payment of the fee prescribed in section 814.62(4), Wis. Stats.

CR 08-3 IN SMALL CLAIMS MATTERS, WRITS OF RESTITUTION

All small claims Writs of Restitution must be issued on a state approved form provided by the Clerk of Circuit Court.

CR 08-4 IN SMALL CLAIMS MATTERS, REPLEVIN JUDGMENTS

All small claims replevin judgments must be issued on state approved forms provided by the Clerk of Circuit Court.

CR 08-5 IN SMALL CLAIMS MATTERS, WRITTEN ANSWER REQUIRED

Defendants in small claim cases who contest the plaintiff's complaint shall file a written answer with the Clerk of Circuit Court and serve a copy on the plaintiff within ten (10) days from the return date. Failure to file a written answer will result in a default judgment being entered against the defendant and the removal of the trial date from the court calendar.

CR 08-6 IN SMALL CLAIMS MATTERS, WRITTEN ANSWER BY NON-RESIDENTS

Pursuant to section 799.22(4)(am), Wis. Stats., non-residents in small claims actions may file a written answer with the court in lieu of personally attending the return date. The written answer must be filed and served on the plaintiff not less than forty-eight (48) hours prior to the return date.

CR 08-7 IN SMALL CLAIMS MATTERS, REQUESTS BY DEFENDANT FOR ADJOURNMENT OF INITIAL RETURN DATE

Requests by defendants for adjournment of the initial return dates in actions other than eviction actions pursuant to section 799.27, Wis. Stats., shall be made in writing to the Court and received not less than forty-eight (48) hours prior to the initial return date. A copy of the request for adjournment must also be mailed to the plaintiff.

IX UNIFORM RULES FOR TRIAL COURT ADMINISTRATION

CR 09-1 Adoption of Uniform Rules for Trial Court Administration.

CR 09-1 ADOPTION OF UNIFORM RULES FOR TRIAL COURT ADMINISTRATION

The preceding court rules are to be interpreted as specific procedures of the more general Uniform Rules for Trial Court Administration if there is any apparent conflict between the rules.

SIGNED AND SEALED in Kenosha County, Wisconsin this 15th day of August, 2019.

David M. Bastianelli
Circuit Court Judge, Branch I

Jason A. Rossell
Circuit Court Judge, Branch II

Bruce E. Schroeder
Circuit Court Judge, Branch III

Anthony Milisauskas
Circuit Court Judge, Branch IV

David P. Wilk
Circuit Court Judge, Branch V

Mary K. Wagner
Circuit Court Judge, Branch VI

Jodi L. Meier
Circuit Court Judge, Branch VII

Chad G. Kerkman
Circuit Court Judge, Branch VIII

APPROVED: _____, Chief Judge, District II