Ozaukee County Circuit Court

LOCAL RULES - 2026

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OZAUKEE COUNTY
CIRCUIT COURT RULES

(Third Judicial District)

Established 2003

Reformatted July 2014

Amended October 21, 2014

Revised December 19, 2016

Amended January 4, 2017

Approved January 6, 2017

Amended April 13, 2018

Approved May 1, 2018

Amended July 27, 2018

Approved August 28, 2018

Amended September 17, 2019

Approved September 20, 2019

Amended September 9, 2020

Approved September 14, 2020

Approved July 8, 2026

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OZAUKEE COUNTY CIRCUIT COURT RULES (THIRD JUDICIAL DISTRICT) GENERAL COURT PROCEDURE RULES

RULE 100: DEFINITIONS IN THE LOCAL RULES

"CCAP" is the Consolidated Court Automation Programs available at www.wicourts.gov.

"Documents" means a pleading, form, notice, motion, order, affidavit, paper exhibit, brief, judgment, writ of execution, or other filing in an action.

"Mandatory user" means a user who is subject to Wis. Stats. s. 801.18(3)(a).

"Paper party" means a party who is not subject to Wis. Stat. s. 801.18(3)(a).

RULE 101: PUBLICATION AND REVISION OF CIRCUIT COURT RULES

101.1 EFFECTIVE DATE

The effective date of these rules: May 7, 2003 and as amended time to time.

101.2 AVAILABILITY OF RULES

These rules shall be available for public inspection in the office of the clerk of circuit court in the Ozaukee County Justice Center, and available on the Ozaukee County Clerk of Circuit Court website.

101.3 RULE ADOPTION

Rules shall be adopted or revised by written order of a majority of the Ozaukee County circuit court judges, subject to the approval of the chief judge of the district.

101.4 PUBLICATION

Once adopted, court rules shall be filed with the clerk of circuit court, and the clerk of circuit court shall provide copies to the president and the secretary of the Ozaukee County Bar Association and the chief judge.

RULE 102: RULES OF DECORUM

102.1 CODE OF PROFESSIONAL RESPONSIBILITY, COURTESY AND DECORUM

In order to enhance the administration of justice, this rule establishes uniform standards of courtroom decorum, applicable to judges, attorneys, court personnel and the public in Ozaukee County Circuit Courts.

(a) Judges, lawyers, litigants, clerks, and staff shall at all times maintain a cordial and respectful demeanor and shall be guided by a fundamental sense of integrity and fair play in all their professional activities.

(b) Judges, lawyers, litigants, clerks, and staff shall at all times be civil in their dealings with one another. All court and court related proceedings, including discovery proceedings, whether written or oral, shall be conducted with civility and respect for each of the participants.

(c) Judges, lawyers, litigants, clerks, and staff shall abstain from making disparaging, demeaning or sarcastic remarks or comments about one another, and shall not engage in any conduct that may be characterized as uncivil, abrasive, abusive, hostile, or obstructive.

(d) Judges, lawyers, and litigants shall be punctual in convening and appearing for all hearings, meetings, and conferences and, if delayed, shall notify other participants, if possible.

(e) Judges, lawyers, litigants, clerks, and staff shall at all times, while in the courthouse, or while participating in legal proceedings in person or utilizing video conferencing, dress in a manner showing proper respect for the court, the proceedings, and the law.

(f) Judges, lawyers, litigants, clerks, and staff shall advise clients, witnesses, jurors, and others appearing in court, whether in person or if utilizing video conferencing, that proper conduct and attire is expected within the courthouse and shall, where possible, prevent clients, witnesses, or others from creating disorder or disruption. When utilizing video conferencing lawyers and litigants shall make their appearance from an appropriate location, in a seated position, and shall refrain from eating, smoking, drinking, driving, or engaging in extraneous movement so as to create distraction, disorder or disruption.

(g) When scheduling hearings, meetings and conferences, judges, lawyers, litigants, clerks, and staff shall be considerate of the time schedules of the participants and shall grant reasonable extensions of time when such extensions will not adversely affect the court calendar or clients' interests.

(h) Lawyers shall make all reasonable efforts to reach informal agreement on preliminary and procedural matters and shall attempt to expeditiously reconcile differences through negotiation, without needless expense and waste of time.

(i) Lawyers shall not abuse the judicial process by pursuing or opposing discovery arbitrarily or for the purpose of harassment or undue delay.

(j) Lawyers shall never knowingly deceive or mislead another lawyer or the court. Lawyers shall clearly identify for the court and other counsel changes he or she has made in documents submitted by him or her to counsel or the court.

(k) Lawyers practicing before the courts in Ozaukee County shall at all time act in good faith and shall honor promises or commitments to other lawyers and to the court.

(l) All participants in the judicial process, whether judges, lawyers, clerks, or staff, shall conduct themselves in a manner which demonstrates sensitivity to the necessity of preserving decorum and the integrity of the judicial process.

(m) Professionalism, as defined in this code and in accordance with other relevant standards of courtesy, good manners, and dignity, is the responsibility of the individual judge, lawyer, clerk, staff member and all other personnel of the court who assist the public.

102.2 DEFINITIONS

"Counsel", "attorney", "attorneys", "lawyer", or "lawyers", for the purposes of these rules, shall include any party representing himself or herself without the assistance of an attorney licensed to practice in the State of Wisconsin.

102.3 COURT

Court shall be formally opened each day in which court business is transacted either by the clerk of circuit court, the deputy clerk, or the bailiff.

102.4 DEFERENCE TO THE BENCH

Lawyers shall never appear to engage the court in a manner, which would lessen the dignity of the proceedings in the eyes of the jury and public.

102.5 EXAMINATION OF WITNESSES

(a) Witnesses shall be examined from a position at the counsel table except when handling exhibits unless a lectern is provided by the court, in which case the examination shall be either from the position at the counsel table or the lectern. Persons examining witnesses may either stand while examining a witness from the counsel table or remain seated. In no case shall a witness be crowded during examination.

(b) Witnesses shall be examined with courtesy and respect, and their good faith presumed until the contrary appears.

102.6 ADDRESSING THE JURY

When a lawyer is addressing the jury, he or she shall not crowd the jury box.

102.7 VOIR DIRE

During examination of jurors on voir dire, the lawyer conducting the examination shall, insofar as practical, use collective questions, avoid repetition, and seek only material information.

102.8 USE OF FIRST NAMES

During trial, no lawyer shall exhibit familiarity with witnesses, jurors or opposing counsel and, unless the court orders otherwise, the use of first names shall be avoided. In jury arguments, no juror shall be addressed individually or by name.

102.9 LIMITING USE OF ELECTRONIC EQUIPMENT AND DEVICES IN THE COURTROOM AND JURY DELIBERATION ROOM

Electronic communication equipment, including, but not limited to cellular telephones, pagers, lap top computers, scanners and recording devices, may not be used by people in the courtroom or jurors in the deliberation room without the specific permission of the judge. Attorneys and parties before the Court may use an electronic device in the courtroom.

RULE 103: COURT DOCUMENTS

103.1 DOCUMENT PREPARATION

(a) All documents submitted shall be typed or legibly handwritten.

(b) All documents shall be filed on 8 1/2" by 11" paper, with the exception of Wills and Codicils.

(c) All documents filed in an action must include the name, address, electronic mail address and telephone number of the person drafting the papers. If an attorney drafts the documents the attorney's state bar number must also be included.

103.2 FILING OF DOCUMENTS

(a) All documents are to be electronically filed (except those exempt under Wis. Stats. §801.18) with the clerk of circuit court's office at least forty-eight(48) hours prior to the hearing for consideration at that hearing unless otherwise permitted by the court. The seventy-two-hour time frame does not apply to local rule 502.2 and small claims matters. Documents filed without a case number or caption may be rejected. Proposed orders filed without a 2 ½ -3 inch margin at top of document for court's electronic signature.

(b) 1. Except for Qualified Domestic Relations Orders (QDROs), all orders must be submitted in WORD format. Any proposed orders submitted in any format other than WORD may be rejected.

2. All orders are to be submitted to the court for signature within seven (7) days following the conclusion of the hearing unless otherwise ordered by the court or provided by statute.

(c) All statutory filing fees must be paid in full prior to the acceptance of any document by the court.

(d) The party submitting any document to the court for filing is responsible for serving a copy of the document upon all interested parties to the matter or, if there is an attorney of record for any party, to that attorney.

(e) Repealed December 19, 2016

(f) Absent a specific order to the contrary, trial and hearing exhibits are not to be filed prior to any trial or hearing, and are not to be electronically filed by parties or their attorneys. Exhibits so filed will be rejected by the clerk.

103.3 FACSIMILE TRANSMISSION OF DOCUMENTS TO THE COURT

(a) Facsimile documents transmitted directly to the court shall be accepted for filing if:

(1) The filer is a paper party.

(2) The document does not exceed ten (10) pages in length, excluding cover sheet. Any document exceeding the ten (10) page limit will be refused for filing.

(3) No filing fee is required.

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

(c) The court is not responsible for:

(1) Errors or failures in transmission that result in missing or illegible documents.

(2) Periods when a facsimile machine is not operational for any reason.

(d) A judge assigned to a particular matter may authorize in advance the filing of particular documents in that case which do not conform to these rules if good cause is shown and they are in conformance with section 801.16, Wis. Stats.

(e) Copies of documents from court files shall not be transmitted by facsimile machine without the appropriate costs being received in advance

(f) If correspondence or a document is transmitted by facsimile machine, original documents are not to be mailed to the court for filing. Original documents shall be maintained by the signing party or his/her attorney. Originals so filed maybe returned at the cost of the proffering filer or destroyed.

(g) Documents may not be filed by facsimile by a mandatory electronic user.

103.4 ELECTRONIC SIGNATURES

(a) The electronic signature of an electronic filing user on a document submitted through the electronic filing system shall conform to Wis. Stat. s. 801.18(12) by stating “Electronically signed by” followed by the name of the signatory.

(b) Electronic signatures on documents signed by non-electronic filing users, such as clients and other third parties, will be accepted only if generated through an electronic signature software or platform, including but not limited to DocuSign, BoxSign, Dropbox Sign, Adobe, etc., and the audit trail document for each electronic signature must be appended to each document where such an electronic signature appears.

RULE 104: CLOSED PROCEEDINGS

Unless good cause has been shown to the judge, a party moving that any judicial proceedings required by law to be public be closed to the news media must notify the court and the court media coordinator in writing at least seventy-two (72) hours prior to the time set to hear the motion. The purpose of this rule is to permit legal counsel to appear on behalf of the media and be heard. The burden shall be upon the moving party to show cause why the proceedings should not be public as required by statute.

RULE 105: CONFIDENTIAL RECORDS

105.1 EXPUNGED CRIMINAL RECORDS

Any case in which a criminal record has been expunged shall be closed to access to anyone without a court order authorizing access to the file. The clerk of circuit courts shall take appropriate steps to ensure confidentiality of all expunged criminal records.

105.2 FINANCIAL RECORDS IN DIVORCE CASES

Only parties to the action and attorneys of record will be allowed to view and copy financial disclosure statements and other confidential financial information in divorce actions.

105.3 MEDICAL AND HOSPITAL RECORDS

Filers must file medical and hospital records as confidential documents. Medical and hospital records remain confidential when filed with the court until such time, if any, as they are introduced into evidence at trial. Until then, only parties to the action and attorneys of record may view medical and hospital records. No copies may be made. This rule does not apply to medical and hospital records relating to blood testing for the presence of alcohol and/or controlled substances or other drugs in a criminal or forfeiture action involving the operation of a vehicle.

105.4 PATERNITY RECORDS

The confidentiality of all appropriate paternity records shall be maintained pursuant to law.

105.5 PRE-SENTENCE INVESTIGATIONS

Pursuant to Wis. Stat. Sec. 972.15(4) pre-sentence investigations are confidential and may be viewed only by the attorneys of record or unrepresented defendants

105.6 RECORDS AND REPORTS RELATED TO CUSTODY AND VISITATION STUDIES AND PSYCHOLOGICAL EVALUATIONS

All records and reports related to custody and visitation studies and psychological evaluations (herein after called "reports") and the information they contain are confidential. Attorneys of record, any guardian ad litem, and all parties, whether represented or unrepresented, shall maintain the confidentiality of said report(s) and the information they contain. Said report(s) and information shall not be disclosed to anyone not associated with the pending litigation.

Attorneys of record and any guardian ad litem may obtain a copy of the report(s) by submitting a written request for a copy of such report(s) to the court. Attorneys shall not provide a copy to any of the parties. A party may review a copy of the report with his or her attorney, but may not take notes. An unrepresented party may review in the office of the Clerk of Circuit Court, but not receive or make a copy or notes of the report(s). Attorneys of record and any guardian ad litem may disclose information contained in the report(s) and provide copies of the report(s) to professionals they consult or retain only to further the subject litigation. Said professionals shall maintain the confidentiality of the report(s) and the information they contain. If any unrepresented party desires to disclose the information contained in the report(s) or to provide a copy of a report to any other person, including professionals they wish to consult or retain, they must obtain court permission to do so. Attorneys of record, any guardian ad litem, and represented and unrepresented parties who obtain a copy of the report shall not disclose the report(s) or the information contained in them to any person other than a party to the case or the above-mentioned professionals.

In cases where an attorney, guardian ad litem or an unrepresented party consults with and/or retains any professional(s) not ordered by the court, the report(s) of such professionals shall also be subject to this confidentiality rule.

105.7 OTHER SITUATIONS

In situations not covered by written policy or clear statutory policy, the clerk of circuit courts shall exercise discretion when deciding who has access to confidential records. The circuit court retains the authority to authorize disclosure of otherwise confidential information as well as the authority, where permitted by law, to classify files or parts of files as confidential

RULE 106: OUT OF STATE LAWYERS

106.1 NON-RESIDENTIAL LAWYER PETITION

A non-resident lawyer who wishes to appear in an action must petition the court in writing. The petition shall state the name of the active member of the State Bar who will participate with the non-resident lawyer.

106.2 GRANTING OF PETITION

If the court grants the petition:

(a)The active member of the State Bar shall appear in person at all proceedings held on the record, including those held out of court, such as depositions.

(b) The active member of the State Bar shall review all pleadings, motions, and other documents to be filed with the court. Both the non-resident lawyer and the active member of the State Bar shall sign all pleadings and motions.

106.3 DISCIPLINARY AUTHORITY

The non-resident lawyer is subject to the disciplinary authority of this state for conduct that occurs in connection with the action. SCR 20:8.5(2).

RULE 107: COURTROOM EQUIPMENT POLICY:

RESERVATION SCHEDULE

The clerk of circuit court's office shall be responsible for maintaining the reservation schedule for the use of any available equipment. Reservations shall be on a first-come, first-served basis. Litigants shall make reservation requests through the deputy clerk. The deputy clerk shall then finalize the reservations. The deputy clerk will deliver the equipment to the courtroom and return the equipment to the designated storage area.

AUDIO/VISUAL/DIGITAL EVIDENCE

Attorneys or parties wishing to present audio, video, or other digitally stored evidence must provide their own device with HDMI connectivity to project digital evidence on courtroom monitors. Any digital evidence shall also be stored on and provided to the court on a USB drive or CD/DVD/Blu-Ray for retention as an exhibit.

RULE 108: GUIDELINES FOR POTENTIAL JURORS:

Guidelines, as established by the Ozaukee County Circuit Court Judges, for potential jurors requesting to be excused from jury duty.

All requests must be in writing.

1. A juror may request to be moved to another, more convenient month for jury service. All such requests will be granted at least once.
2. A juror may request to be excused for specific dates during their week of service. Any such request shall be limited to two dates and must be submitted timely.
3. High school and college students are excused on a year-to-year basis.
4. Pregnant or nursing women are excused on a year-to-year basis.

5. Requests to be excused due to age, based on special circumstance, will be given special consideration.
6. Requests to be excused due to medical condition(s) must be accompanied by a physician's letter.
7. Conflicts because of business or home obligations are not sufficient grounds to excuse a citizen from service.
8. If a request is denied and the potential juror is still not satisfied, they can request that their application be forwarded to the jury judge.

RULE 109: NOTICE OF NEED FOR INTEREPETER

A party shall notify the court as soon as reasonably possible upon learning that any party, witness, victim, guardian, or other person requires an interpreter to participate in the court process.

RULES OF THE OZAUKEE COUNTY CIRCUIT COURT APPLICABLE TO CIVIL PROCEEDINGS

RULE 201: APPLICATION OF CHAPTER; FILINGS & PLEADINGS

201.1 APPLICATION OF CHAPTER

The rules in this chapter shall apply to all civil proceedings, including large and small claims, civil, probate, and family matters, unless otherwise provided in these local rules.

201.2 CASE CAPTIONS

All documents, pleadings, motions, etc. filed in any case must contain the case name, case number, the branch of court in which the matter is to be heard, and a brief description of the type of motion or pleading being filed, as well as a description of the relief sought where appropriate.

Example:

STATE OF WISCONSIN	BRANCH 2 CIRCUIT COURT	OZAUKEE COUNTY
[Plaintiff/Petitioner name] Plaintiff/Petitioner vs. [Defendant/Respondent name] Defendant/Respondent		[Document Title] Case No. 2026CV000023

201.3 FIVE (5) DAY RULE; RULE ON SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS

When a court has made an oral ruling, the prevailing party shall be responsible for preparing a written order or judgment based on that oral ruling, unless the court directs another party to do so. The party preparing that order or judgment shall follow this procedure unless otherwise ordered by the court:

(a) The submitting party shall transmit the proposed order or judgment to the court with a letter indicating that a copy of the proposed order or judgment is simultaneously being provided to all other attorneys of record and all unrepresented parties. The letter shall include a list or appropriate notation (i.e., "cc:") indicating the names of the other recipients.

(b) The letter shall include language substantially similar to the following: "This [order/judgment] is proposed under the "Five Day Rule" (Ozaukee County Local Rule 201.3.) If any party believes that the proposed [order/judgment] does not accurately state the court's ruling, the party must file a written objection to the court, indicating the specific objection(s) and suggestions

for change, within five business days of receipt. A copy of the written objection must be simultaneously provided to all attorneys of record and all unrepresented parties."

201.4 DISMISSAL OF ACTIONS

Any case that has not be joined, and which is four (4) months old or older, may be placed on a dismissal calendar. If the action is not dismissed when it is called on the dismissal calendar, the attorney(s) of record, and/or parties not represented by counsel, may be directed to take other action within a specified time.

201.5 EFFECT OF BANKRUPTCY

Any party who has knowledge or notice of a bankruptcy proceeding in which the bankruptcy debtor is a party to a pending action or matter shall inform the court of that fact. Except as otherwise provided by the United States Bankruptcy Code, any such action or matter shall be dismissed, or stayed, upon notice to the court that a bankruptcy proceeding has been filed in the United States Bankruptcy Court, with the understanding that the case may be reopened, or the stay lifted, upon notification that the bankruptcy proceeding has been terminated or the stay lifted.

RULE 202: DISCOVERY

202.1 FORM OF DISCOVERY RESPONSES

An objection or an answer to an interrogatory shall recite the interrogatory to which it refers. A response or an objection to a request for admission shall recite the request to which it refers. A response or an objection to a request for production of documents shall recite the request to which it refers.

202.2 LIMITATION ON INTERROGATORIES

(a) No party may serve more than a total of twenty-five (25) 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;

(b) If a party believes that additional interrogatories are necessary, the party 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 pursuant to **Rule 202.3** for permission to serve additional interrogatories. The motion shall state the necessity for the relief requested.

(c) The court will not compel a party to answer any interrogatories served in violation of this rule.

202.3 DISCOVERY MOTIONS

All motions relating to discovery or production of documents pursuant to Chapter 804, Stats., or any motion to serve additional interrogatories pursuant to Rule 202.2 must be accompanied by an affidavit or declaration by the moving party that, after consultation in person or by electronic communication 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(s) and the names of all parties participating therein.

RULE 203: PROCEEDINGS CONDUCTED BY TELEPHONE OR OTHER MEDIA

203.1 NON-EVIDENTIARY PROCEEDINGS

(a) Any conference or hearing may be conducted by telephone or other electronic method with the prior approval of the court.

(b) Any request for telephonic or other electronic method of appearance must be made in writing forty-eight (48) hours prior to the hearing unless the request is supported by the existence of an emergency..

(c) The requesting party shall notify all other parties as to whether or not the request is granted.

(d) If a party intends to be personally present at a hearing scheduled as a telephonic proceeding, such party shall notify the court and all counsel of record and/or parties not represented by counsel of record of such intent at least twenty-four (24) hours prior to the hearing. Such election to appear personally shall not mandate the presence of other counsel of record or parties not represented by counsel of record, who may elect to appear telephonically.

203.2 EVIDENTIARY PROCEEDINGS

If a party wishes to provide for oral testimony to be communicated to the court by telephone or other electronic method:

(a) If the court is equipped to receive oral testimony by telephone or other media, the requesting party shall contact all counsel of record and/or parties not represented by counsel of record to determine if all parties will stipulate to the taking of telephone or other electronic media testimony.
(b) If all parties stipulate in writing to the admission of telephone or other electronic media testimony, the requesting party shall notify the deputy court clerk or calendar clerk of such stipulation at least twenty-four (24) hours prior to the scheduled testimony. The court may approve or reject such stipulation. The requesting party shall notify all other parties of the court's determination.
(c) If all parties do not stipulate to the taking of telephone or other electronic media testimony, any party seeking to admit such testimony shall raise the issue by a written motion, twenty-four (24) prior to said hearing.

(d) Witnesses who are to appear by telephone or other electronic media shall be provided with copies of any documents from or about which they will testify in advance of the hearing. Copies of those documents shall be provided to counsel or unrepresented parties at the time of the testimony regarding such document.

RULE 204: MOTIONS

204.001 COURT ACTION

All requests for court action shall be presented in a motion, petition, or order to show cause unless prior permission to present the matter in another fashion has been granted by the court. Any party moving the court for relief must supply with their pleadings a completed standard state form if one exists. If one does not exist, the moving party must send a proposed order consistent with the relief they seek for the court's signature. Copies of all pleadings must be given to the opposing side and/or prosecuting agency. Issues not raised in accordance with this rule will not be addressed.

Any motions, briefs or other matters filed independently by litigants who are represented by counsel will not be scheduled for a hearing, or considered by the court, unless or until there is verification that the attorney representing the filer has been consulted on the matter.

204.01 MOTION DATES

(a) Prior to filing any motion, order to show cause, or petition requiring a hearing, the moving party shall obtain a date and time for hearing from the judicial assistant for the judge or court commissioner who will preside at the hearing. The moving party shall advise the judicial assistant of the estimated length of time required for the matter to be heard. The moving party is strongly encouraged to consult with all parties or their attorneys as to their calendar availability prior to scheduling.
(b) Only after obtaining a hearing date and time under (a), the moving party may file a notice of motion and motion, proposed order to show cause, or petition which includes the date and time obtained under (a). The moving party's filing must be made within 5 days after the hearing date is obtained. Motions shall be filed in the form required by statute and shall include, to the extent known at the time of filing, the relief sought, the legal basis or reasoning for the trial court to grant the relief, and an allegation of the facts which support the relief sought.
(c) The moving party is responsible for service of the notice of motion and motion, order to show cause, and all other documents on the non-moving party or parties in the manner required by statute, and for filing proof of such service with the court.
(d) In traffic and non traffic forfeitures cases, a party requesting a case to be reopened shall use the mandated circuit court forms: TR-310 (Motion to Reopen), TR-311 (Order to Reopen) and Local Form Motion to Reopen Affidavit of Service and if the basis to reopen is due to identity theft and/or mistaken identity, GF-185 (Certification by Prosecuting Agency Verifying Identity Theft or Mistaken Identity).

204.1 EX PARTE REQUESTS FOR TEMPORARY RESTRAINING ORDERS

Except for petitions filed under sections 813.12, 813.122, 813.123, and 813.125, Wis. Stats., any party seeking to obtain an ex-parte temporary restraining order or temporary injunction shall include a written statement documenting a good faith effort to contact the party sought to be restrained or counsel for the party, if known, prior to the request, and inform the party or counsel, if known, of the time such request will be made and the judge or court commissioner which will be hearing such request. The requirement of notification pursuant to this rule may be waived by the court for cause submitted in writing.

204.2 SUMMARY JUDGMENT AND DISMISSAL MOTIONS

(a) Prior to filing a motion to dismiss under Wis. Stat. s. 802.06 or a motion for summary judgment under Wis. Stat. s. 802.08, the moving party shall obtain from the judicial assistant of the assigned judge (or court commissioner for small claims matters) a hearing date and time not less than 40 days from the anticipated date of filing of the motion.

(b) After obtaining a hearing date under (a), the moving party shall file a notice of motion containing the hearing date and time obtained, together with the motion and any brief in support of the motion, affidavits/declarations, or other supporting documents.
If the moving party does not intend to file a brief, affidavits, or other supporting documents, the moving party shall file a statement waiving the right to file such brief, affidavits, or other supporting documents. If a moving party files a motion without a brief, affidavits, other supporting documents, or waiver thereof, or without obtaining in advance an appropriate hearing date, the clerk shall return any documents together with a copy of this rule.

(c) A respondent shall have 20 days from the service of the moving party's motion to serve and file a brief, affidavits, or other supporting documents, or waive in writing the right to do so. If the respondent fails to file any brief, affidavits, or other supporting documents, or a waiver of the same within the 20-day period, it shall be presumed that respondent has waived the right to do so.

(d) A moving party shall have 10 days from the service of the respondent's answering brief, affidavits, or other supporting documents to serve and file a reply brief, limited to the claims or legal theories presented by the motion. The failure to timely file a reply brief shall be considered a waiver of the right to do so.

(e) A court order may prescribe a procedure different from this rule.

204.3 BRIEFING OF OTHER MOTIONS

If a moving party desires to file a brief, affidavit, or other documents in support of a motion other than one for summary judgment or dismissal, such motion and supporting materials shall be served upon all attorneys of record and/or parties not represented by counsel and filed with the clerk of circuit court no later than ten business days before the time specified for the hearing.

Response briefs, affidavits, or other supporting documents in opposition to such motions must be received by the moving party and filed with the clerk of circuit court no later than five business days prior to the hearing of the motion.

204.4 LIMITATION ON LENGTH OF BRIEFS; CITATION OF NON-WISCONSIN JURISDICTIONS

(a) Without obtaining prior leave of the court, briefs may not exceed the following page limitations, exclusive of pages containing a statement of facts, exhibits, and affidavits;

(1) Moving party's principal brief – twenty-five (25) pages;

(2) Briefs in opposition – twenty-five (25) pages;

(3) Moving party's reply brief – ten (10) pages.

(b) Briefs in excess of the permitted length may be disregarded by the court.

(c) Copies of non-Wisconsin authorities shall be filed with the court and provided to all other attorneys and unrepresented parties at the same time as the brief, and shall not be included in the page limitations set forth in subsections (a) and (b).

204.5 UNTIMELY SERVICE AND/OR FILING

Any motion, brief, affidavit, or other supporting documents served and/or filed in an untimely fashion may be disregarded by the court.

204.6 ADJOURNMENTS FOR HEARINGS OTHER THAN TRIAL

The moving party for any hearing is the only party who can adjourn that hearing without a motion or written stipulation filed, but said request must be submitted in writing. Exceptions to this rule may be made for guardian ad litem who have calendar conflicts and who were not consulted on date selection; or who legitimately need more time to investigate and make recommendations to the party and the court.

If a responding party refuses to consent to an adjournment request, the party may move the Court in writing to rule on the adjournment request. It is the obligation of the requesting party to schedule a mutually convenient date for a hearing on the adjournment request. The date may be arrived at through a conference call with the appropriate court clerk, all the other attorneys, and any unrepresented parties. Otherwise, any adjournment request will be heard on the date of the originally scheduled hearing, and the court will rule as to whether the adjournment should be granted or whether the hearing will proceed as scheduled. Costs may be assessed against parties or attorneys who unreasonably refuse adjournment requests, or whose interests are unfairly impacted.

RULE 205: TRIAL RULES

205.1 PAYMENT OF JURY FEE AND JURY COST ASSESSMENTS

Pursuant to sections 805.01(2) and 814.61(4), Wis. Stats., any jury demand must be made prior to or at the scheduling conference. Jury fees are due on the date of the scheduling conference or as otherwise provided for by the court. Untimely payment shall constitute a waiver of the right to a jury trial.

If a civil jury trial is settled within two business days of a scheduled trial date, the court may assess jury costs. Costs may include the clerk's time spent in preparation of jury trial.

205.2 ADJOURNMENTS

Matters scheduled for trial may be adjourned only with the permission of the court. All requests for adjournment of a trial must be made in writing. Any such request shall set forth specific reasons for the request. Notice of such a request must be made simultaneously to all parties.

RULE 206: GUARDIAN AD LITEM IN ADOPTION CASES

Guardian ad litem and advocate counsel will be appointed by the court. In adoption cases, a deposit of $250 shall be made into the trust account of the appointed attorney prior to the commencement of any work. Any Indigent party seeking payment of guardian ad litem fees by Ozaukee County shall file the paperwork required by Rule 304.4(3).

RULE 207: SMALL CLAIMS MATTERS

207.1 INFORMATION FROM THE CLERK OF COURT

An informational packet relating to small claims procedures is available from the clerk of court for a nominal fee.

207.2 FORMS; FILING SUMMONS/COMPLAINT

Forms may be obtained from the clerk of court or from www.wicourts.gov. The plaintiff must select an initial return date and enter that date on the summons and complaint before filing. The plaintiff must provide the original and at least one copy of the summons and complaint at the time of filing the action, unless plaintiff is a mandated electronic filer.

207.3 SERVICE OF SUMMONS

The summons and complaint must be served on each named defendant by personal service or substituted service. Service by mail is not allowed.

207.4 APPEARANCE ON RETURN DATE

Except for eviction actions, a plaintiff need not appear on the return date if the plaintiff has filed a letter of appearance and affidavit of non-military service in a timely fashion such that it is received by the clerk of court no later than 12:00 noon on the last business day prior to the initial return date.

Except for eviction actions, a defendant need not appear on the initial return date if the defendant has filed a written answer with the court, with a copy to plaintiff(s), in a timely fashion such that the answer is received by the clerk of court and the plaintiff(s) no later than 12:00 noon on the last business day prior to the return date.

207.5 EVICTION ACTIONS APPEARANCE ON INITIAL RETURN DATE

Plaintiff(s) and defendant(s) must appear on the return date if the action includes a request for eviction.

207.6 PRETRIAL CONFERENCE

A pretrial conference will be scheduled in every small claims action. Attorneys or legal representatives appearing for parties to the action must have full settlement authority. Unless extraordinary circumstances are shown, attorneys or unrepresented parties must appear in person at the pretrial conference. If the case is not resolved at the pretrial conference, the court will issue a scheduling order setting forth deadlines for the parties to exchange exhibits and witness lists, and any further orders as may be required to ensure the claims and defenses are fairly presented at trial.

207.7 REQUEST FOR ADJOURNMENT OF PRETRIAL

Requests for an adjournment of a pretrial conference must be made to the clerk of court in writing, together with a copy sent to the opposing party. The request must be received by the clerk of court not less than ten days prior to the scheduled date. Cases will not be adjourned unless good cause is determined by the court. The small claims clerk will notify the parties in writing of the new pre-trial date if an adjournment request is granted.

207.8 DE NOVO EXHIBITS

Parties must bring new copies of all exhibits to the De Novo hearing. Previously admitted exhibits will be rejected for use at the De Novo hearing.

RULE 208: MINOR SETTLEMENTS

208.1 FILING

All petitions for minor settlements under section 807.10, Wis. Stats., shall be filed with a notice of hearing with the clerk of circuit court.

208.2 CONTENTS OF PETITION

A petition for approval of a minor settlement shall include, at a minimum, a concise statement of the following:

(a) age of the minor;
(b) nature and extent of the injury giving rise to the claim;
(c) permanent or temporary character of injuries;
(d) facts, events, and circumstances out of which the claim arises, including time, place and persons involved;
(e) amount of and manner of determination of attorney fees and guardian ad litem fees;
(f) and proposed distribution of funds.

208.3 HEARING

At any hearing on a petition for approval of the settlement, the minor, his/her attorney, and at least one of his/her parents shall be in attendance. The court may, at its discretion, dispense with the requirement for personal appearances. The court may require production of other evidence relating to the claim and injury.

RULE 209: REPEALED DECEMBER 2016

RULE 210: REAL ESTATE FORECLOSURES

210.1 DEFAULT JUDGMENT

An attorney for a mortgagee in a foreclosure action need not personally appear at a hearing on a motion for default judgment, and may appear by affidavit if the attorney would be available to the court by telephone or by live audio-visual equipment at the time of the hearing, and if:

(a) The case is in default with no responsive pleading on file.
(b) Proof of service and a copy of the Lis Pendens are on file.
(c) A hearing date is obtained and notice is given to all defendants, which notice shall indicate that judgment will be granted on that date unless anyone appears to object.
(d) An affidavit of a representative of the mortgagee based on personal knowledge setting forth all information necessary to allow the court to grant judgment is filed, including the following:
    1. The date of filing of the summons and complaint and any amended summons and complaint.
    2. The date and specific manner of service on each of the defendants named. If service on any defendant is by publication, an affidavit as to reasonable efforts to serve the defendant personally or by substituted service shall be provided.
    3. The length of the redemption period requested (with reference to the section of Chapter 846, Stats. authorizing the requested redemption period) as well as specific factual information based on personal knowledge supporting the requested redemption period and whether a deficiency judgment is being sought or waived.

Proposed Findings and Orders should highlight in bold print the length of the redemption period and waiver or non-waiver of deficiency language.

4. The amount due and owing as of the date of the affidavit or hearing date together with the amount of attorney's fees requested, a listing of disbursements being added to the judgment, and the total thereof.
5. The date of recording of the Lis Pendens in the office of the Register of Deeds.
6. Whether the plaintiff is the original mortgagee and, if not, information establishing how the plaintiff became the current holder of the mortgage with assignments incorporated into the affidavit establishing the plaintiff's standing.

(e) An affidavit to establish reasonableness of attorney's fees is filed.

(f) All required affidavits, findings and judgment papers are filed at least three days prior to the motion hearing date.

210.2 CONFIRMATION OF SHERIFF'S SALE

An attorney for a mortgagee in a foreclosure action need not personally appear at a hearing on a motion to confirm a Sheriff's sale, and may appear by affidavit if the attorney is available to the court by telephone or by live audio-visual equipment at the time of the hearing, and if:

(a) A motion is filed setting forth the requested relief in addition to confirmation of the sale, which is supported by an affidavit or affidavits which specifically and without reference to any document previously filed set forth all information necessary to confirm the sale, including the following:

1. The date and location of the Sheriff's sale.
2. The name of the successful bidder and the amount of the bid.
3. Information from which the court can conclude that the successful bid represents fair value, such as an appraisal, a broker's price opinion, or tax bill valuations.
4. The date of filing of any amended summons and complaint.
5. The names of any additional defendants added since granting of the foreclosure judgment.
6. The date and specific manner of service on any additional defendants.
7. Information as to the potential claim of any added defendant and facts from which the court can conclude that the interest of any such defendant is subsequent and junior to that of plaintiff.
8. The nature of any specific amounts being requested to be added to the judgment.
9. Whether a writ of assistance is being requested.

(b) All required affidavits and proposed orders are filed at least three days prior to the hearing date.

If any party appears to object, the matter may be adjourned for a further hearing. In that event, costs may be awarded against plaintiff if plaintiff's attorney did not appear at the confirmation hearing and the court finds the objection to be valid.

FAMILY COURT DIVISION RULES

RULE 301: HEARINGS

301.1 MATTERS BEFORE CIRCUIT COURT JUDGES

The following matters will be heard by the circuit court judges:

(a) Pre-judgment, divorce, and paternity matters.
    1. Appeal (De Novo hearings) from all orders/decisions of court commissioner.
    2. Contested orders for alternative dispute resolution.
    3. Discovery Motions
(b) Judgments.
    1. Contested divorce trial.
    2. Contested paternity determination (adjudication).
    3. Discovery Motions.
(c) Post-judgment.
    1. Appeal (De Novo hearings) from all orders/decisions of court commissioner.
    2. Discovery Motions.
    3. Contempt hearings to enforce property division judgments.
(d) Temporary restraining orders for domestic abuse, harassment, child abuse, and individuals at risk (if court commissioner not available).
(e) Injunction hearings, domestic/child abuse, harassment.

301.2 MATTERS BEFORE COURT COMMISSIONER

The following matters will be heard by the court commissioner:

(a) Pre-judgment, divorce, and paternity matters.
    1. Temporary hearings in divorce.
    2. First appearance and pre-trials in paternity matters.
    3. Re-hearings and modifications of temporary hearings.
    4. Contempt hearings on temporary orders.
    5. Pre-judgment discovery motions where the motion in chief is scheduled to be heard by the FCC.
    6. Mediation orders.
    7. Uncontested orders for alternative dispute resolution, to be ratified by the assigned judge.
    8. Appointment of guardian ad litem.
    9. A.D.R. recommendations to the court.
(b) Judgments.
    1. Default divorce judgment (grant of divorce based on full written agreement of the parties).
    2. Adjudication of paternity in uncontested cases.

3. Determination of child custody, placement, support, and related matters in paternity matters, following adjudication of paternity by either court commissioner or judge.

(c) Post-judgment.
   1. Contempt hearings to enforce all final judgments not involving property division.
   2. Modifications of paternity judgments.
   3. Appointment of guardian ad litem in paternity and family matters.
   4. Post-judgment discovery motions where the motion in chief is scheduled to be heard by the Court Commissioner.
   5. Mediation orders.
   6. Modifications of divorce judgments. The matter may be certified to the Circuit Court at the instance of the Family Court Commissioner and at the discretion of the Trial Court.

(d) Temporary restraining orders for domestic abuse, harassment, child abuse (may also be presented to the judge).

RULE 302: INSTRUCTIONS

Instructions and forms for certain matters commonly addressed as part of family court actions are available from the clerk of court without charge. See Rule 103.2(b) regarding Orders.

RULE 303: FINAL HEARING REQUIREMENTS

303.1 REQUIREMENTS FOR OBTAINING FINAL HEARING DATE

In any action in which the parties have minor children, the parties shall each attend an educational program addressing the effects of divorce or separation on children and co- parenting skills, unless the court specifically waives the requirement as to any party.

303.2 REQUIREMENTS FOR OBTAINING AN UNCONTESTED (DEFAULT) DIVORCE HEARING DATE BEFORE THE COURT COMMISSIONER

A signed marital settlement agreement must be submitted to the Clerk of Circuit Courts.

If both parties are appearing without an attorney, both parties must submit financial statements of each party, signed and notarized.

303.3 MATERIALS FOR FINAL HEARING

The following must be brought to the final hearing:

(a) Vital statistics worksheet

The following documents must be filed prior to the final hearing:

(a) Sworn financial statements of both parties.

(b) Marital settlement agreement.
(c) Any ad all legal descriptions of property if real estate is involved in the case.

RULE 304: CUSTODY AND PLACEMENT DISPUTES; MEDIATION; GUARDIAN AD LITEM

304.1 FORMS, INSTRUCTIONS AND PROCEDURES

Requests for mediation, legal custody, physical placement studies, or appointment of a guardian ad litem must be made on the appropriate CCAP forms. To the extent possible, requests for mediation or appointment of a guardian ad litem shall be made far enough in advance of a hearing scheduled to address custody or placement issues such that the mediation may be accomplished, or the guardian ad litem appointed, prior to any such hearing. Except as otherwise ordered by the court, in an original action where custody or physical placement of a child or children is an issue the parties shall be equally responsible for the payment of any fees for mediation, custody or physical placement studies or guardian ad litem fees due in advance, and will be presumed to be equally responsible for the total fees. Deposit waiver or apportionment requests may be addressed to the court commissioner by telephone conference so long as all parties or their attorneys are included on said telephone conference. Unless a party is willing to make the entire deposit, he or she must file a sworn financial disclosure statement or affidavit of indigency with the request for waiver or apportionment, or immediately upon receiving notice that the other party is requesting waiver or apportionment. A party requesting waiver or apportionment of the deposit must provide notice to the other party.

304.2 MEDIATION

When there is a custody or placement dispute, mediation is required prior to appointment of a guardian ad litem unless waived by the court. The request for mediation must be accompanied by the appropriate deposit, currently $200.00, or a request for waiver, deferral, reduction, or apportionment of the deposit.

304.3 GUARDIAN AD LITEM

A request for appointment of a guardian ad litem shall be accompanied by the deposit directed by the court, currently $2000.00, or a request for waiver or apportionment of the deposit. Upon determining that the charges for services rendered are approximately equal to the deposit, the GAL shall petition the court for an order requiring the parties to deposit additional funds with the Clerk of Courts in an amount to be determined by the court.

304.4 PETITION FOR PAYMENT OF GUARDIAN AD LITEM FEES

Payment of guardian ad litem (GAL) fees will be made only upon petition by the guardian ad litem as approved by the court.

As part of the petition the guardian ad litem must:

(a) State the amount of the requested fees, and attach an itemization.
(b) State whether a deposit has been made to cover fees.
(c) If no deposit, or if the deposit is not sufficient to cover fees, state the financial circumstances of parties, if known, or request that parties complete and submit financial disclosure statements if a party believes that he or she does not have the ability to pay GAL fees currently.
(d) Request payment of the GAL fees, including the following options:
    (1.) By a party or parties, or
    (2.) By release of the deposit, if sufficient funds on deposit, or
    (3.) By advancement by Ozaukee County, on a finding of:
        (A.) Inability of parties to pay; and
        (B.) Right of county to seek reimbursement in the future from party/ies determined unable to pay currently.
(e) Submit a proposed order incorporating the required findings and proposed order. If the GAL's services are completed, he or she should also request to be discharged as part of the order. The GAL must send a copy of the proposed order on fees to all interested parties, giving any party a right to object within ten (10) days of receipt of the proposed order. If the parties are unrepresented, clearly explain that they must object in writing to the court. The objection to the court must contain a statement that the objector is sending a copy of the objection to all other parties, whose names must be listed.

304.5 DISCHARGE OF GUARDIAN AD LITEM

A Guardian ad litem (GAL) shall serve until entry of the Court's final order as provided in Sec. 767.407(5), Wis. Stats., which final order shall include the entry of Judgment in a divorce action, unless an order discharging the GAL is entered earlier, or the GAL is ordered by the Court to serve beyond the entry of the final order in the action.

RULE 305: PROCEDURES AFTER FILING: TEMPORARY ORDERS; NON-MARITAL CHILDREN

305.1 TEMPORARY ORDERS

Temporary orders may be entered by the Court on written stipulation (agreement) of the parties. Stipulations and proposed orders must be in general conformance with the state-approved forms. If financial matters are addressed, the findings must indicate each party's gross and net incomes, either recited in the stipulation or order, or by reference to a specific financial disclosure statement on file. If a stipulation provides for payment of support through the Wisconsin Support Collection Trust Fund, the child support agency shall be provided with the parties' names, addresses, social security numbers, and the name and address of the support payer's employer.

An order may provide for rehearing on ten (10) day notice. A party requesting a rehearing on ten (10) day notice shall send a notice to all other parties and the court at least ten (10) days prior to the scheduled hearing date. The notice shall describe the issues to be raised by the party at that hearing. Any attorney of record and, if possible, any party not represented by an attorney shall be consulted as to availability at the time a date is selected.

305.2 NON-MARITAL CHILDREN

Unless otherwise ordered by a judge, no judgment of divorce will be granted until after the paternity of an alleged non-marital child is determined.

RULE 306: ALTERNATIVE DISPUTE RESOLUTION PROCEDURES AND FEES

306.1 MOTION

The assigned judge may determine on their own motion, or on motion of a party, that the action is appropriate for settlement alternatives.

306.2 RECOMMENDATION

The assigned judge may seek the recommendation of the court commissioner, in the court's discretion.

306.3 HEARING

The assigned judge may schedule a hearing on motion of party or its own motion.

306.4 INITIAL ADR REFERRAL ORDER

The assigned judge may enter an order finding that the action either is, or is not an appropriate action to order Alternative Dispute Resolution (ADR), and may specify the form of ADR and make any other orders necessary to effectuate the same. The Commissioner may enter an ADR order, to be ratified by the assigned judge, when the mode of ADR and the issue(s) to be submitted are agreed upon by the parties.

306.5 RELIEF FROM INITIAL REFERRAL ORDER

A party aggrieved by an initial ADR referral order may request a hearing on an order to show cause why the order should be vacated or modified.

RULE 307: MOTION HEARINGS

307.1 OBTAINING MOTION DATES

All motions practices must follow Civil Rule 201.01 and 204.001

307.2 REVIEW OF DECISIONS OF A COURT COMMISSIONER

Any determination, order, or ruling by a court commissioner may be reviewed by the judge of the branch of court to which the case has been assigned, upon a motion by any party for a hearing de

novo. A party is required to be present at the hearing in order to seek a de novo review. The right to seek a de novo review does not apply to stipulations entered into between the parties.

The party seeking de novo review must first obtain a date and time for the de novo hearing from the judicial assistant for the branch. The moving party must then file its notice of motion and motion for de novo review within 20 calendar days of the commissioner's oral decision, or within 20 calendar days of the mailing of the commissioner's written decision or order if the decision or order was not given orally at the time of the hearing.

A motion for a de novo hearing will not stay the order to be reviewed unless the assigned judge specifically grants a stay.

307.3 FINANCIAL DISCLOSURE STATEMENTS

A motion or order to show cause seeking to establish or modify child support, family support and/or maintenance shall contain language requiring both parties to submit to the court, at the scheduled hearing, a completed financial disclosure statement and verification of income for the three (3) months prior to the hearing date. Failure to comply with the disclosure requirements may result in dismissal of the matter, continuance, and/or assessment of costs.

RULE 308: FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT OF DIVORCE OR PATERNITY

308.1 FINAL PAPERS

The findings of fact, conclusions of law and judgment of divorce or paternity shall be drafted by the petitioner's attorney, unless otherwise directed by the court. If any other party is represented by an attorney, the findings of fact, conclusions of law and judgment of divorce or paternity shall be submitted to that attorney for signature/review. If a party is not represented by an attorney, the findings of fact, conclusions of law and judgment of divorce or paternity shall be submitted to any such party for approval under the five (5) day rule unless the party or the court waives such requirement. All Findings of Fact, Conclusions of Law and Judgments shall contain language complying with the statutory requirements so long as such language does not contradict an agreement of the parties approved by the court, and shall not contain additional provisions which are not required by statute, or contrary to an agreement of the parties approved by the court, except as specifically directed by the court. After the parties sign and attorneys review them, but no later than thirty (30) days following the granting of the judgment, the findings of fact, conclusions of law and judgment of divorce or paternity shall be filed. Final marital settlement agreements or stipulations shall be appended to the judgment and shall be incorporated by reference therein.

308.2 REQUIRED PROVISIONS

In addition to provisions required by statute to be included in any findings of fact, conclusions of law and judgment of divorce or paternity, if child support, family support, or maintenance is held open to any party, provision must be made for the payment of any such sums through the Wisconsin Support Collection Trust Fund if such amounts are ordered in the future. The following statutory notices must

also be included: notice of payment of receiving and disbursing fees by a payer of child or family support or maintenance; notice of address change, change of employer, and substantial change of income (and the effect of such notification); and if child support is held open, notification of interest on arrearages.

In the event that a party to a divorce action has any interest in real estate at the time the judgment of divorce is granted, the full and complete legal description of any such real estate must be included in the judgment of divorce.

RULE 309: NOTICE OF RETAINER

A notice of appearance or retainer shall be filed by a party's attorney

RULE 310: NOTICE OF NEED FOR INTERPRETER

A party shall notify the court as soon as reasonably possible upon learning that any party, witness, victim, guardian, or other person requires an interpreter to participate in the court process.

RULES OF THE OZAUKEE COUNTY CIRCUIT COURT PROBATE COURT DIVISION

RULE 401: JURISDICTION OF THE PROBATE COURT

(a) Probate actions under Wis. Stat. Chapters 851 through 879;
(b) Guardianship and protective placement actions under Chapters 54 and 55;
(c) Trust actions under Chapter 701;
(d) Involuntary mental, drug and alcohol commitments (civil commitments) under Chapter 51;
(e) Elder abuse restraining orders under Chapter 813.123.

RULE 402: GUARDIAN AD LITEM AND ADVOCATE COUNSEL

Guardian ad litem and Advocate Counsel will be appointed by the court. In guardianship cases, a deposit of $300 shall be made into the trust account of the attorney appointed prior to the commencement of work. Indigent parties who seek payment by Ozaukee County of guardian ad litem fees shall file the paperwork required by Rule 304.3 and 304.4. All GALs must submit petitions for payments for fees based on section 304.4.

If guardian ad litem is appointed and parties will not seek payment by Ozaukee County, the guardian ad litem shall, subject to court approval, be entitled to charge their standard hourly rates which shall be disclosed to all parties upon filing a consent to act.

RULE 403: ESTATE MATTERS

403.1 WILLS

(a) Only original wills will be accepted for filing with the court without a hearing. Wills of a decedent which will not be subject to any probate proceedings may be filed and shall be accompanied by an affidavit of no probate, which can be obtained at: https://www.ozaukeecounty.gov/DocumentCenter/View/17507/Affidavit-of-No-Probatepdf?bidId=.

(b) Wills of living persons filed for safekeeping shall be accompanied by the statutory fee and such other information as the register in probate may require.

(c) If an original Will has been filed and a WL case number has been assigned, a future probate matter filed shall be filed as a new case and the court should be contacted to request the Will be assigned to the new case.

403.2 SUMMARY PROCEDURES UNDER CHAPTER 867

(a) Proof of heirship must be filed with all opening documents for summary settlement and summary assignment.

(b) Prior to the court issuing an order or certificate in a summary settlement, summary assignment, summary confirmation of interest in property, or determination of descent of property, a filing fee shall be paid based on the value of property subject to the summary settlement, summary assignment, summary confirmation of interest in property, or determination of descent of property.

403.3 PERSONAL REPRESENTATIVES AND SPECIAL ADMINISTRATORS

(a) Non-Wisconsin residents may be appointed as personal representative or special administrator in the discretion of the court if:

(1) the nominated nonresident has a Wisconsin resident appointed as co-personal representative;

(2) the nominated nonresident is the only person interested in the estate, and/or

(3) the nominated nonresident has retained a Wisconsin attorney

Unless the court determines the circumstances allow otherwise, a nominated nonresident shall be required to post bond in an amount determined by the court.

(b) All non-resident personal representatives are required to have a resident agent.

(c) The court may require bond in any case.

403.4 HEARING OR WAIVER OF HEARING

A court hearing is not required when waivers are filed by all interested parties. Parties shall submit proposed orders with the waivers when no hearing is sought.

403.5 CLOSING ESTATES.

(a) Final Estate Account form PR-1814 shall be filed.

(b) If a minor is to receive a distribution in a probate matter that does not exceed $50,000, the distribution may be made to a custodian selected by the personal representative if the guardian ad litem consents to the selection of the custodian.

(c) If a minor is to receive a distribution in a probate matter that exceeds $50,000, or if there is no guardian ad litem appointed, the distribution may be made to a custodian only with order of the court, with or without a hearing, in the discretion of the court.

403.6 TAX CLEARANCES

(a) A Wisconsin closing certificate for fiduciaries must be filed with the court prior to the closing of any estate, unless exempted by the Court pursuant to statute

(b) A federal estate tax closing letter may be required to be filed with the court prior to the closing of any estate required to file a federal estate tax return.

403.7 EXTENSIONS OF TIME

(a) When an estate cannot be closed within the statutory time limits, a 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 shall be submitted, and the court will review each request individually to determine whether or not a hearing on notice is required.

(b) The following reasons ordinarily will qualify for a single six (6) month extension of time to close the estate, upon the filing of the required petition:

(1.) The federal estate tax return has been timely filed and the estate tax audit has not been completed

(2.) The final federal and state income tax returns have been timely filed but the closing certificate for fiduciaries has not been received from the Wisconsin Department of Revenue; or

(3.) The estate is involved in pending litigation (case information must be provided).

(c) All other grounds for any request for extension of time will be reviewed by the court. The register in probate shall notify the court if any duty is more than thirty (30) days late in being performed.

(d) Any request for extension of time may be signed by the person seeking the extension or his or her attorney.

403.8 ELECTRONIC SIGNATURES

(a) Electronic signatures may be used by e-filing parties.

(b) Electronic signatures shall not be permitted for non-e-filing parties unless e-filed by a licensed attorney, and the electronically signed document is accompanied by a certificate or audit trail, and was generated using a reputable platform. By e-filing an electronically signed document of a non-e-filing party, the attorney submitting the electronically signed document is representing to the court that the signature is valid.

403.9 INCORPORATION OF FIVE (5) DAY RULE; RULE ON SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS

Local Rule 201.3 is hereby incorporated.

RULE 404: TRUST MATTERS

404.1 NON-JUDICIAL SETTLEMENT AGREEMENTS

(a) Any party to a non-judicial settlement agreement may petition the probate court for an order to confirm the terms and conditions of a non-judicial settlement agreement could be properly approved, ordered, directed, or otherwise determined by the court.

(b) The court may approve a non-judicial settlement agreement without a hearing if the petition is accompanied by waivers and consents of all persons interested or if the persons interested waived notice of a hearing in the non-judicial settlement agreement.

RULE 405: GUARDIANSHIP, CONSERVATORSHIP AND PROTECTIVE PLACMENT MATTERS

405.1 CONSERVATORSHIP

(a) A hearing is required for the appointment of a conservator, and the petitioner will be present so the court may determine whether the action is voluntary.
(b) A hearing is required to terminate a conservatorship.

405.2 GUARDIANSHIP AND PROTECTIVE PLACEMENT

(a) Guardian ad litem. The court will appoint guardian ad litem for the proposed ward, who will file a guardian ad litem report with the court prior to the hearing.
(b) Examining expert. Parties shall provide their own examining expert to prepare a competency report on the proposed ward.
(c) Protective placement petition. If a protective placement petition is part of a guardianship petition, the moving party shall at the time of filing the petition request the Ozaukee County Department of Health and Human Services to complete a comprehensive evaluation of the proposed ward and file it with the court prior to the hearing.
(d) Access to File.
    (1.) After the guardianship has been ordered, access to the guardianship file is limited to the guardian, the guardian's attorney (notice of retainer must be on file), the ward, the ward's attorney, the currently appointed guardian ad litem, or advocate counsel or the currently assigned social worker.
    (2.) Title insurance and abstract 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, annual accounts and proceedings regarding the sale, lease, exchange, or encumbrance of real estate belonging to the ward.
    (3.) 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.
    (4.) Others may obtain access, subject to necessary limitations, by court approval only.

(5.) In all cases, information shall be requested on a proper letterhead or with proper identification, and in no case shall information be provided over the phone.

(g) Termination of a Guardianship

(1.) Guardian of the person - deceased ward: Upon the filing of the death certificate of the ward, the judge ordinarily will issue an order of discharge of the guardian of the person.

(2.) Guardian of the estate - deceased ward: Upon notice of death, or the filing of:

(A.) The death certificate of the ward;

(B.) The final account as approved by the court; and

(C.) A proper receipt and release signed by the appropriate recipient having authority over the ward's estate (with attached proof of that authority); the judge ordinarily will issue an order of discharge of the guardian of the estate.

(3.) Guardian of the estate - minor: Upon the filing of proof of the ward reaching the age of eighteen, final account and receipt and release signed by the ward, the court ordinarily will issue an order of discharge of the guardian of the estate.

(4.) Ward now competent: A court hearing is required where an incompetent has gained competency. A petition for discharge of a guardian and an order and notice for hearing will be filed to initiate the action. A competency report must be submitted, or requested to substantiate the petition for termination. The court may require the appointment of a guardian ad litem and an examining expert.

RULE 406: NOTICE OF NEED FOR INTERPRETER

A party shall notify the court as soon as reasonably possible upon learning that any party, witness, victim, guardian, or other person requires an interpreter to participate in the court process.

RULES OF THE OZAUKEE COUNTY CIRCUIT COURT CRIMINAL/TRAFFIC COURT DIVISION

RULE 501: CRIMINAL/TRAFFIC MOTIONS

501.1 MOTIONS BEFORE TRIAL

Prior to filing any written motion with the Court, the moving party shall obtain a motion hearing date and time from the judicial assistant for the assigned judge. The moving party must then file a notice of motion containing the motion hearing date along with the motion and any supporting materials. The moving party must file its notice of motion and motion within 5 days after obtaining the hearing date from the judicial assistant. Failure to file the motion within 5 days will result in the time set aside for the hearing being released, and the motion may be rejected by the Clerk of Circuit Court. The moving party is solely responsible for service of the notice of motion and motion on other parties.

Any written motion shall be filed in the form required by statute and shall include the relief sought, the legal basis for the relief, and an allegation of the facts that support the requested relief.

Any motion to modify the conditions of a defendant's bond will be heard at the next scheduled hearing.

501.2 ORDERS ON MOTIONS

Local Rule 201.3 (the "Five-Day Rule") is hereby adopted by reference for use in any case where the court's ruling on a motion is to be entered in the form of a written order.

RULE 502: TRAFFIC AND NON-TRAFFIC FORFEITURE CASES

502.1 DEFENDANT TO APPEAR AT ALL SCHEDULED PROCEEDINGS

All persons cited or charged with any kind of operating under the influence, or operating while impaired offense are required to personally appear at the intake date set on the citation, unless the defendant has retained counsel. The Court may enter a default judgment against, or issue a warrant for the arrest of, a defendant who fails to appear in person or by counsel at any scheduled proceeding. The defendant shall forfeit any money deposited with the clerk upon entry of a default judgment.

502.2 INITIAL APPEARANCE / PLEA

A defendant in a traffic or non-traffic forfeiture action who appears at the initial appearance date indicated on the citation will immediately proceed to a pretrial conference with the prosecuting agency. After the pretrial conference, the citation will proceed in one of four ways: (1) if no agreement is reached, the citation will be set for trial before the assigned circuit judge, (2) the parties will reach an agreement and file a written stipulation, (3) the prosecuting

agency will move to dismiss the citation, or (4) the citation will be adjourned to a further pretrial conference date if necessary.

A defendant or attorney who enters a not guilty plea in writing prior to the initial appearance date will be required to appear in person for a pretrial conference with the prosecuting agency on an assigned date and time. Failure to appear for the pretrial conference will result in a default judgment. The ability to conduct a pretrial conference at other times or by other means is in the sole discretion of the prosecuting agency.

Motions to reopen traffic or non-traffic forfeitures see §204.01(b) and (c).

RULE 503: ADJOURNMENTS AND CONTINUANCES

503.1 OUT-OF-COURT RESCHEDULING

Any party wishing to reschedule a court date out-of-court shall follow this procedure:

(a) The rescheduling party shall contact the court's deputy clerk to determine available dates for rescheduling;
(b) The rescheduling party shall contact the opposing party to determine whether it objects to the rescheduling and, if there is no objection, agree upon a date;
(c) The rescheduling party shall again contact the court's deputy clerk to advise whether the opposing party objects. If there is no objection, the rescheduling party shall advise as to the agreed upon new date. If there is an objection, the rescheduling party shall submit a formal motion for rescheduling which shall be heard by the court.

503.2 IN-COURT ADJOURNMENT

Any party intending to ask the court on the record to adjourn proceedings to a new date shall consult his/her calendar and tentatively schedule the new date with the court's deputy clerk at the time of checking in, prior to the court taking the bench. The new date must still be approved by the court on the record.

RULE 504: CONSOLIDATION OR JOINDER OF CASES

504.1 INTRA-COUNTY CONSOLIDATION OF PENDING CASES

A request to have traffic case track a companion criminal case may be initiated by written request, by consent of parties in open court on the record, or on a courts own motion. Consent by the two judges involved is not required, and the JUTR will occur. A traffic case will be set for a further proceeding if a not guilty plea is on file, and for a plea hearing where the not guilty plea has not been entered. If the criminal case does not resolve, the traffic case shall be returned to the original court via JUTR unless a motion for joinder for trial had been previously granted. In the event that a substitution is filed on the

judge presiding over the criminal case, the traffic case(s) shall be transferred via JUTR to the newly assigned criminal court.

504.2 CONSOLIDATION IN ADVANCE OF DISPOSITION

Consolidation of cases shall not occur until the consolidated cases are scheduled for final disposition. If a consolidation is filed and a disposition does not occur, the files will be separated and rescheduled into the previously assigned courts. Once a finding of guilt has been made, that case may not be consolidated into another court.

RULE 505: REQUIRED ATTENDANCE BY DEFENDANT AND AUTHORIZATIONS TO APPEAR

In addition to the requirements of section 971.04, Wis. Stats., defendants are required to appear as follows:

(a) A defendant shall appear for each scheduled court date, unless a written authorization for defense counsel to appear has been filed with and permitted by the court.
(b) Notwithstanding the provisions of paragraph (a), a defendant shall appear at all trial dates, evidentiary hearings, dispositions in misdemeanor and felony cases, and jury trial status dates, unless excused by the court.

RULE 506: CORRESPONDENCE

All parties sending correspondence to the court shall send a copy to the opposing party or parties or, if a party is represented by an attorney, to that party's attorney.

RULE 507: WITHDRAWN

RULE 508: SUBSTITUTION AND WITHDRAWAL OF ATTORNEYS

An attorney of record shall appear at each scheduled court date, unless and until the Court grants the attorney's motion to withdraw or approves a stipulation for substitution of counsel.

RULE 509: NOTICE OF NEED FOR INTERPRETER

A party shall notify the court as soon as reasonably possible upon learning that any party, witness, victim, guardian, or other person requires an interpreter to participate in the court process.

RULE 510: TIME TO RESPOND

In any criminal matter where the defendant is representing his/herself and/or defense attorney is withdrawn from further representation, any correspondence by the defendant to the court requesting court action must be responded to by the DA's office within 10 days of electronic notification of said

correspondence. If no response is filed, it will be presumed the DA's office is not taking a position on said request.

THIRD JUDICIAL DISTRICT OWI/PAC SENTENCING GUIDELINES

RULES OF THIRD JUDICIAL DISTRICT OWI/PAC SENTENCING GUIDELINES