

STATE OF WISCONSIN

CIRCUIT COURT

OCONTO COUNTY

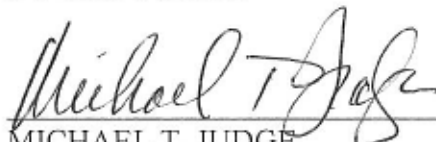
ORDER ADOPTING LOCAL RULES

The proposed local rules having been presented at two successive meetings of the Oconto County Circuit Judges; and copies of said proposed rules having been posted in the office of Clerk of Circuit Court and provided to the secretary of the Oconto County Bar Association more than thirty (30) days prior hereto;

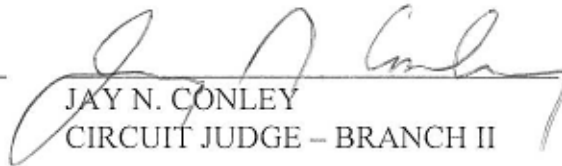
**NOW, THEREFORE, IT IS ORDERED;** the attached rules be and the same hereby are adopted. Said rules shall become effective January 1, 2022.

Dated this 2nd day of DECEMBER, 2021.

BY THE COURT:



MICHAEL T. JUDGE  
CIRCUIT JUDGE – BRANCH I



JAY N. CONLEY  
CIRCUIT JUDGE – BRANCH II

Approved this 2nd day of December, 2021.



JAMES M. MORRISON  
CHIEF JUDGE, EIGHTH ADMINISTRATIVE DISTRICT

# Oconto County Circuit Court Rules

*(Eighth Judicial District)*

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## **RULE 1: PUBLICATION AND REVISION OF CIRCUIT COURT RULES**

101. Pursuant to §753.35, Wis. Stats., the Circuit Court of Oconto County may adopt and amend rules governing practice in court that are consistent with rules adopted under §751.12, Wis. Stats., and other statutes relating to pleading practice and procedure. These rules supersede existing rules and practices.

102. Court rules, prior to adoption or revision, shall be presented at two (2) successive meetings of the Oconto County Circuit judges. This requirement and Rule 103 may be suspended for good cause upon the order of the Oconto County Circuit Judges.

103. Proposed rules shall be posted for public review in the County Courthouse by the Clerk of Circuit Court and copies shall be forwarded to the secretary of the Oconto County Bar Association at least thirty days prior to formal adoption.

104. Notice of proposed rules as described in Rule 102 and 103 shall constitute sufficient public notice.

105. Rules shall be adopted by written order of the Oconto County Circuit Judges subject to approval of the Chief Judge. Orders adopting rules shall specify an effective date.

106. Once adopted, court rules shall be filed with the Clerk of Circuit Court, and the Clerk of Circuit Court shall provide copies to the secretary of the Oconto County Bar Association, the court administrator for the Eighth Judicial District, the State Bar of Wisconsin, the State Law Library and the office of the Director of State Courts. The Clerk of Circuit Court shall print and make available to the public, at cost, all rules adopted or amended under this section.

107. In an emergency, the assigned circuit judge may order modifications to these rules to assist in the efficient administration of justice.

108. A person may submit to the court written comments on a rule for the court's consideration in determining whether revision of the rule is needed.

## **RULE 2: GENERAL PROVISIONS**

201. Closure of 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 media coordinator of the Eighth Judicial Administrative District in writing at least 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.

202. All papers, pleadings, motions, etc., shall be on substantial paper, contain the case number assigned and designate in the caption, the branch of circuit court assigned to the case. Where appropriate, only approved forms shall be used.

All papers, pleadings, motions, briefs, etc. must conform to the following specifications:

1. Produced by duplicating or copying process that produces a clear, black image of the original on white paper.
2. Produced on 8-1/2 by 11 inch paper.
3. A one inch margin on the left side and a one inch margin on all other sides.
4. Minimum 12 point body text, 11 point for quotes and footnotes.

The Clerk of Court shall receive all filings of pleadings regardless of the assigned judge. All pleadings should be addressed to the Clerk of Courts for filing. The judge may require parties filing the papers to forward copies of documents to the assigned judge whether or not he/she is located outside the county.

The Clerk of Circuit Court and the Register in Probate shall refuse to accept for filing any document not in compliance with this rule and the appropriate state statutes. Parties are to

include both the State Bar Code and the appropriate case classification on all pleadings filed with the court.

203. No Circuit Court files shall be removed from the Oconto County Courthouse without an order of a Circuit Judge.

204. In all actions, except felony and misdemeanor proceedings, in which a party seeks waiver of costs and fees due to indigency, a **Petition for Waiver of Fees/Costs, Affidavit of Indigency and Order** must be completed for review by the court. The final decision on waiver will be at the discretion of the court. [Petition for Waiver of Fees/Costs-Affidavit of Indigency and Order available at Clerk of Court office.]

205. When counsel submits a document to the court for signature, a copy shall be simultaneously forwarded to all other counsel and/or unrepresented parties. Objections to the form or content of the document submitted shall be filed in writing with the court within 5 days of service or mailing. Failure to file written objections shall be deemed a waiver of objections. The document will be deemed signed unless objections have been filed.

206. There is hereby delegated to the Clerk of Courts, the Deputy Clerks of Courts and the Judicial Assistants, the following ministerial and clerical duties: calendaring traffic regulations/crimes, civil, small claims, ordinance and family cases for trial; and, to administer oaths to witnesses, jurors and bailiffs and such other duties as designated by the Court.

207. The non-refundable jury fee is payable at or before the scheduling conference.

208. Counsel should use good judgment in subpoenaing witnesses to appear in court. Counsel should respect the time necessary to select a jury and not have witnesses waiting inordinately for their opportunity to testify.

209. Only active members of the state bar of Wisconsin may practice law in Oconto county courts. A Oconto County Circuit Judge may, by written motion, permit nonresident counsel to appear in his or her court with an active member of the state bar of Wisconsin who must also appear and participate in that particular action or proceeding. Permission to the non-resident lawyer may be withdrawn by the judge granting it if the lawyer by his or her conduct manifests incompetency to represent a client in a Wisconsin court or by his or her unwillingness to abide by the rules of professional conduct for attorneys and the rules of decorum of the court.

210. All exhibits must be marked prior to any court hearing. Counsel/parties maintain the responsibility to coordinate this marking with the Clerk of Courts and shall be prepared to provide a description of each exhibit to the Clerk at the time of marking. Copies of any exhibits are to be provided to parties prior to the hearing, if possible. Exceptions to this rule are at the discretion of the presiding judge.

211. In the event the Court allows appearance by phone or audio/visual means, the parties must submit any and all exhibits or other documents no less than three (3) days prior to the court appearance.

212. The judges of Oconto County may, with or without a motion being filed, upon determining that an action or proceeding is an appropriate one in which to invoke a settlement alternative under §802.12, Wis. Stats., order the parties to select a settlement alternative as a means to attempt settlement.

Parties are required to inform the responsible judge the settlement alternative that they select and the name of the person to provide that alternative.

If the parties cannot agree on the settlement alternative, the judge shall specify the least costly settlement alternative that the judge believes is likely to bring the parties together in settlement, except that unless all of the parties consent, the judge may not order the parties to attempt settlement through binding arbitration, non-binding arbitration or summary jury trial or through multiples of any other settlement alternative.

If the parties cannot agree on the payment of a provider of a settlement alternative, the judge shall direct that the parties pay reasonable fees and expenses of the provider or that the parties pay into an escrow account sums sufficient to pay the fees and expenses of the provider.

213. Counsel are to provide both line and page number when referring to any deposition testimony during court hearings and in any briefs submitted to the court. Advance notification of specific depositions intended to be used must also be made in advance of any scheduled hearings.

214. Counsel are to provide marked copies of all transcripts to counsel and the court at least 48 hours prior to their intended use.

215. The judge having the most years of service as a judge of the Oconto County Circuit Court shall have the right to choose which chambers and which courtroom the judge shall use.

NOTE: It is the intention of Rule 215 to permit the judge with the most seniority to select which chambers and courtroom that judge chooses to use. This rule does not permit the judges to change branches. For example, the judge of Branch I would remain the judge of Branch I even though the judge of Branch I would choose the chambers and courtroom presently being used by the judge of Branch II. Signs designating courtrooms would be switched.

### **RULE 3: CASE PROCESSING TIME GUIDELINES**

301. The following case processing time guidelines are designed to provide a guide to the judiciary and bar. Unless otherwise indicated, the guidelines represent the anticipated time period from filing to final disposition:

1. Misdemeanor [from initial appearance] [in custody] = 2 months
2. Misdemeanor [from initial appearance] [not in custody] = 3 months
3. Felony [from initial appearance] = 6 months
4. Traffic/Ordinance [from initial appearance] = 4 months
5. Personal Injury/Property Damage = 18 months
6. Contract/Money Judgment/Other Civil = 12 months
7. Divorce = 12 months

302. It will be the practice of the court to schedule every case for a next action or review date at every stage in the life of the case.

303. A Notice and Order of Dismissal shall be prepared, and if signed, mailed to litigants or their counsel for all case types specified below when there has been no apparent activity in the case for the period of time specified below. No Notice and Order shall be prepared if activities have been suspended due to the issuance of an arrest warrant; bench warrant; in traffic cases, an operator's license suspension order; or the filing of a Petition in Bankruptcy:

1. Traffic/Ordinance [from Initial Appearance] = 4 months
2. Personal Injury/Property Damage = 9 months
3. Contract/Money Judgment/Other Civil = 6 months
4. Divorce = 6 months
5. Small Claims = 3 months
6. Child Support = 6 months
7. Paternity-Contested = 6 months
8. Paternity-Uncontested = 3 months

304. Objections to dismissal shall be made in writing to the assigned judge of the action to be dismissed. The judge may deny the objections, vacate the order of dismissal or schedule a hearing.

305. Nothing in these rules shall restrict the inherent power of the judge of these courts to make additional orders, rules or policy that would expedite the efficient and effective disposition of litigation.

### **RULE 4: RULES OF DECORUM**

401. Oconto County has adopted the "Standards of Courtesy and Decorum for the Courts of Wisconsin" that were adopted by the Wisconsin Supreme Court in SCR Chapter 62.

## **RULE 5: SCHEDULING/ADJOURNMENTS**

501. Ex parte requests for scheduling are limited by SCR 20:3.5, "Code of Professional Conduct for Attorneys-Impartiality and decorum of the tribunal."

502. Adjournments are not a matter of right and will only be granted for good cause.

503. All adjournments shall be made to a date certain, and no adjournment shall be indefinite or day-to-day.

504. The party receiving the adjournment shall be solely responsible for notifying opposing counsel and, where appropriate, all parties that the hearing, trial, etc., has been adjourned.

505. If necessary, scheduling conflicts will be resolved in favor of the first scheduled hearing, unless, for good cause, the presiding judge agrees otherwise.

## **RULE 6: FEES/LATE SETTLEMENT ASSMTS/RECEIVING AND DISBURSING FEES**

601. **Late Settlement Assessments**-The circuit judge requests trial counsel to pursue settlement at the earliest possible time. When any attorney feels the court can be helpful, a request for a pretrial conference can be made. Recognizing the great inconvenience and expense that can be caused to parties, jurors, and witnesses, early settlements will be promoted by attorneys who are prepared to discuss all aspects of the case.

602. The court shall have discretionary authority in any civil or criminal action or proceeding triable to a jury to assess the entire cost of one day's jurors fees for a jury, including all mileage costs, against either the plaintiff or the defendant or counsel, or additional parties plaintiff or defendant, if a jury demand has been made in any case and if a jury demand is later withdrawn within 2 business days prior to the time set by the court for the commencement of the trial. The party assessed shall be required to make payment to the clerk of circuit court within a prescribed period and the payment thereof shall be enforced by contempt proceedings.

603. Every party ordered to make payments of an annual receiving and disbursing fee shall be notified of the requirement to pay the fee and the amount of the fee by including the provisions concerning the fee in any subsequent written order.

604. Any stipulation between parties under which a party is to make maintenance payments, child support or family support payments shall include the requirement to make the annual receiving and disbursing fee.

605. Future legislative modifications of §814.61 (12)(b), Wis. Stats., are incorporated into these rules as they become effective.



## **RULE 7: FACSIMILE TRANSMISSIONS OF DOCUMENTS TO THE COURT**

701. Pro Se litigants using facsimile documents transmitted directly to the courts shall be accepted for filing only if:

1. No filing fee is required.
2. No additional fee or charge must be paid by the circuit court for accepting or receiving the facsimile document.

702. Pro Se litigants using 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:

1. No filing fee is required.
2. No additional fee or charge must be paid by the circuit court for accepting or receiving the facsimile document.

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

704. The circuit court, judge or clerk is not responsible for errors or failures in transmission that result in missing or illegible documents or periods when a circuit court facsimile machine is not operational for any reason.

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

706. 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, court commissioner or clerk.

## **RULE 8: SECURITY POLICY-THREATS TO JUDICIARY & COURT EMPLOYEES**

801. The Oconto Police Department is the primary law enforcement agency to receive reports of threats and investigate such reports within their normal investigative procedures. The Oconto Police Department has identified the shift commander as the liaison officer for reporting purposes.

802. If a threat does not appear to impose imminent danger, the threat shall be reported to the Oconto Police Department as outlined in the Oconto County Courthouse Alarm/Incident Procedure. If a threat appears to be imminent, Courthouse security shall be immediately notified. Oconto Police Department shall be contacted as soon as possible



and requested to provide an independent evaluation concerning the urgency of the threat and recommendation as to further procedures.

803. All threats, regardless of their degree, shall be reported in order to allow for an independent evaluation by the Oconto Police Department.

804. In conjunction with this policy the Sheriff's Department's Operational Guidelines for Courtroom Security will detail other security procedures to be followed.

805. Judges and court staff shall inform the District Court Administrator of any threat and the subsequent steps that have been taken pursuant to the guidelines by forwarding a copy of any Threat/Incident Reports completed to them along with the evaluation by the Oconto Police Department liaison officer. The District Court Administrator shall maintain a log of reported threats/incidents and corrective measures implemented for each event.

## **RULE 9: CIVIL PRACTICE**

901. All civil cases will be reviewed for filing of proof of service and answer 120 days after filing by the judicial assistant. If at that time it is found that a case has not reached issue, a dismissal order or default proceeding shall be prepared by the judicial assistant.

902. A motion for summary judgment and/or dismissal shall be filed with the Clerk of Courts and a copy with the assigned judge together with any brief or other supporting documents. If movant does not desire to file a brief or other documents, a statement waiving his/her right to file such brief or other documents shall be filed. The respondent shall have 30 days from the filing of the movant's brief within which to file a responsive brief and supporting documents, or waive in writing the right to do so. If the respondent fails to file a brief and supporting documents or waiver of the same within the 30 day period, it shall be presumed that respondent has waived this right and the court shall accept no further supporting documents or briefs. Oral arguments shall be scheduled as deemed appropriate and a decision shall be based upon the record as timely filed or by arguments presented.

903. If the movant desires to file a brief in support of a motion other than one for summary judgment or dismissal, the brief shall be served and filed with the Clerk of Courts; a copy shall be served and filed on all opposing counsel; and a copy shall be filed with the assigned judge with the notice of motion or at least days 10 days prior to any scheduled hearing date. Briefs in opposition to such motions must be filed no later than two business days prior to the hearing of the motion. Briefs in opposition to such motions must be either personally served upon opposing counsel no later than two business days prior to the hearing or if service is made by mail, no later than three business days prior to the hearing. Briefs filed in an untimely fashion may be disregarded by the court.

904. Except as to mortgage/land contract foreclosures, notice to defendant is not required prior to entry of a default judgment in large claim civil actions where personal service was obtained upon the defendant.
905. In cases where personal service is not obtained upon the defendant (i.e., substitute or published), notice of motion for default judgment shall be given to defendant by regular mail at defendant's last known address.
906. In actions where damages are not liquidated, the court shall require proof in order to determine the amount of the judgment. The court may order a hearing or consider affidavits to determine the amount of the judgment in any case.
907. Any judge may in an individual case require further notice or proof regarding service, damages or costs, if appropriate.
908. No default mortgage/land contract foreclosure shall be granted except upon a hearing in open court by affidavit or testimony, due notice of which shall have been given to all defendants 10 days prior to the hearing.
909. In all pretrial matters, attorneys must have the authority to negotiate in the absence of their clients or, if authority is not granted, immediate telephonic access to the clients shall be required.
910. Any judgment debtor who applies to have a judgment removed from the docket because of bankruptcy shall file a verified petition and proposed order together with a certified copy of the discharge in bankruptcy. The judgment debtor shall also file an affidavit showing that the debtor has served a copy of the completed application and the proposed order on each judgment creditor described in the application. The court shall wait at least five business days after the notice to the creditors and shall sign the proposed order only upon payment of the clerk's fee of \$5.00 per judgment.
911. A court in which an action is pending may appoint a referee who shall have such qualifications as the court deems appropriate. The fees allowed to a referee shall be fixed by the court and shall be charged upon such of the parties or paid out of any fund or subject matter of the action, which is in the custody and control of the court, as the court may direct.
912. The court may upon its own initiative after reasonable notice, or pursuant to a motion, limit the number of depositions and interrogatories and may also limit the length of depositions. Written interrogatories are limited to thirty (30) questions including subparts. The frequency and extent of the use of the discovery methods otherwise permitted or limited by these rules may be further limited if the court determines that:
1. the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive;
  2. the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; or

3. the burden or expense of the proposed discovery outweighs the benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues.

913. Any party may request a de novo hearing on matters heard by the Family Court Commissioner or Court Commissioner. Absent a showing of extraordinary circumstances, all such requests for hearing shall be filed no later than twenty (20) days after the Family Court Commissioner or Court Commissioner's decision has been efiled.

## **RULE 10: CRIMINAL LAW AND TRAFFIC PRACTICE**

1001. If an attorney is appointed pursuant to State v. Dean as counsel, that attorney shall be compensated at the rate of \$ 125.00 per hour. To be appointed as an attorney under Dean, an attorney must be qualified to handle cases as a Public Defender, unless otherwise approved by the appointing judge. Dean appointments are offered to counsel who have a physical office in Oconto County, or is a member of the Oconto County local bar association. Petitioner/Orders for payment of Dean appointments must be submitted within 60 days of the disposition of the matter, or the court may, in its discretion, deny payment.

1002. If during the course of a Dean appointed representation, a defendant fails to appear and a bench warrant is authorized for the arrest of the defendant, the appointed attorney may petition the court to be withdrawn as counsel and for the payment of fees after thirty (30) days have passed.

1003. Motions for discovery in felony and misdemeanor cases shall be filed by defense counsel within 10 working days of the date of arraignment. The State shall respond to the demand for discovery within 10 working days of the date of service of a motion for discovery upon the State.

1004. The State shall provide discovery to the Defense no later than 7 days prior to the Pre-Trial Conference.

1005. The time in which a defendant must file pre-trial motions shall not commence to run until the date that discovery is given to the defendant under the Code of Criminal Procedure.

1006. All motions must state with specificity the grounds and factual basis therefore. General assertions of violations of Constitutional rights will not be considered specific. Such non-specific motions may be denied sua sponte by the assigned judge with notice to the parties of such denial and leave to renew the motions in a timely manner.

1007. If a defendant has criminal cases pending in more than one court, and there has been an agreement reached as to the disposition of all cases, they shall transfer to the agreed upon court but only with leave of that court.

1008. Motions for consolidation of misdemeanors with felonies shall be brought before the judge assigned the felony case. Motions to consolidate felony cases shall be brought before the judge before whom the lowest numbered felony case is pending. A motion to consolidate a misdemeanor "CM" with a criminal misdemeanor traffic case "CT" will be brought before the judge assigned to the traffic case. A motion to consolidate two or more criminal misdemeanor cases will be brought to the judge before whom the lowest numbered misdemeanor case is pending. If a motion for consolidation is granted, further proceedings in all consolidated cases shall be heard by the judge who granted the motion.

1009. A stipulated request for continuance of the trial date shall require the consent of the named parties in writing or on the record and must be for good cause shown. Exceptions to this rule are subject to the presiding judge. A contested request for continuance must be on motion and hearing and for good cause shown by the party. All requests for continuance are subject to the approval of the court.

1010. Plea Questionnaires shall be completed prior to the commencement of any scheduled proceedings [Plea Questionnaires are available in the Circuit Courtrooms].

1011. Not later than 7 days prior to the scheduled sentencing hearing, the Division of Community Corrections shall mail or deliver the original to the clerk of court's office and mail or deliver a copy of the Pre-Sentence Investigation report the District Attorney and defense counsel, if any. Defense counsel, District Attorney and defendant shall have reviewed the PSI report prior to the time scheduled for sentencing. Attorneys are prohibited from making photocopies of such reports, allowing any individual to remove the report from their presence and shall file their copy of the PSI report with the clerk immediately upon conclusion of the sentencing hearing.

1012. Petitions for Occupational Licenses shall be forwarded to the judge assigned Traffic jurisdiction except for those cases in which loss of licenses occurred for revocation/suspension for a non-traffic matters. Those cases shall be presented to the judge who presided at the sentencing hearing.

1013. Occupational licenses, under §343.10, Wis. Stats., shall only be issued pursuant to the authority of the Wisconsin Statutes, as set forth in ch. 343, Wis. Stats.

1014. If any person has posted bond to obtain the release of an accused from custody and a criminal complaint is not filed within eight weeks thereafter, the clerk of court is authorized to return any bond money to the person who deposited it.

1015. Restitution information shall be efiled by the Victim/Witness Coordinator and shall be provided to the defense within a reasonable time of request.

## **RULE 11: SMALL CLAIMS PRACTICE**

1101. Oconto County by this rule authorizes the service of summons in all small claims actions, except eviction and replevin actions, by mail in lieu of personal or substituted service. Regular mail is limited to Oconto County. Personal or substituted service outside of the county is acceptable. Eviction actions require service by personal or substituted service and replevin actions require service by person, substituted or by certified mail with return receipt requested. Parties are wholly responsible to secure service of their pleadings .

1102. All plaintiffs and all defendants in small claims matters must personally appear on the return date, unless approved by the Court. No party may appear by telephone unless approved by the Court.

1103. All pleadings under ch. 799, Wis. Stats., shall be in writing unless specifically ordered otherwise by the assigned judge.

1104. If the defendant fails to appear on the return date or fails to file and serve a written answer pursuant to Rule 902, a default judgment will be entered according to the demands of the complaint.

## **RULE 12. GUARDIAN AD LITEMS (GAL)**

1201. Attorneys appointed by Oconto County Circuit Court shall be compensated at the following hourly rates:

Guardian and Civil Commitment cases	\$125.00
Adoption and Juvenile	\$125.00
<i>Dean</i> appointments	\$125.00
Termination of Parental Rights (public and private)	\$125.00
Watts Review (public or private)	\$125.00
Restraining Orders (child, at risk adult, public and private)	\$125.00
Family/Paternity Guardian ad Litem for placement, custody	\$150.00
Issues (including post-paternity judgment revisions)	

1202. Attorneys appointed by Oconto County Circuit Court to address the marital presumption shall be paid a flat rate of \$250, unless otherwise approved by the Court.

1203. A Guardian ad Litem appointed to serve in any matters, not specified in this Rule, brought by a private party shall be compensated at the rate of \$150.00 per hour. In the event a Guardian ad Litem is retained by private pay method, the Guardian ad Litem may set his/her initial deposit amount, may set the hourly fee for services, and is responsible for his/her compensation without assistance or collection from the Court.

1204. A Guardian ad Litem appointed to serve in any other matters brought by a public agency shall be compensated at the rate of \$125.00 per hour.

1205. In privately brought TPR, CHIPS and guardianship actions, the moving party shall deposit with the Clerk of Probate the sum of \$1,000.00 as an advance toward GAL fees prior to the appointment of a GAL. The parties attorneys shall be responsible for ensuring that the deposit is made and shall ensure that fees incurred above the initial deposit amount are paid. The court shall have the authority to order an attorney to pay any amounts due to the Guardian ad Litem directly. After payment of the fee to the Guardian ad Litem, the clerk shall, without further order of the court, disburse any excess to the person who posted it.

1206. Guardians ad Litem shall not incur any expenses for the hiring or consultation with experts without prior approval of the court.

1207. Guardians ad Litem must submit a statement within 60 days after completion of the legal matter or the court may, in its discretion, deny payment. The statement for services shall include an itemization of time spent and expenses incurred. The Guardian ad Litem shall mail copies of the statement to the attorneys of record in the matter or directly to any party who is not represented by counsel.

1208. GAL's appointed in chapter 48 and 767 cases must provide proof of their participation in the Supreme Court Rule 35.015 education requirements on initial appointment and annually thereafter.

### **RULE 13: FAMILY LAW PRACTICE**

1301. At temporary hearings both parties shall bring wage statements from their respective employers for a period of twelve weeks prior to the hearing date, financial disclosure statements signed under oath, and copies of state and federal income tax returns for the two prior years in the possession or control of each party. Failure to file these documents shall authorize the Family Court Commissioner to accept the statement of the other party as accurate. The Family Court Commissioner may, at his/her discretion continue any matter until Financial Disclosures are filed.

1302. The party petitioning for a temporary hearing shall give the other party at least forty-eight hours notice prior to said hearing.

1303. All stipulations for orders to suspend proceedings in divorce actions to attempt reconciliation, filed by pro se parties shall be submitted in the form as set forth as Stipulation and Order to Suspend Proceedings or Reconciliation form which is available in the Clerk of Court Office, on the Wisconsin Circuit Court Forms website, or the Oconto County website (Form FA-4144VA or Form FA-4144NB)

1304. The stipulation and order referred to in Rule 1303 shall indicate the date by which the parties must report to the court the status of the reconciliation together with the



request for dismissal of the divorce action or a resumption of proceedings. If no report is received, the judge or family court commissioner shall dismiss the action.

1305. Any party raising an issue regarding physical placement or custody shall be referred to Mediation, unless otherwise waived by the Court at the Court's discretion.

1306. The cost for custody and physical placement mediation provided by family court counseling services shall be \$\$200.00 (\$100 deposit from each party). The cost for a custody or physical placement study shall be \$ 750.00.

1307. 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, unless otherwise ordered by the court.

1308. In a post-judgment matter relating to the custody or physical placement of a child or children, the party seeking a change in the judgment with respect to those issues shall be responsible for any payments due in advance, unless otherwise ordered by the court.

1309. If one or both of the parties allege that they are indigent, that party may request relief from payment of any fee or cost by motion made to the court. If one of the parties is indigent, the court may order the other party to pay the fee. This rule applies to court filing fees. It does not apply to Guardian ad Litem fees or mediation fees.

1310. The court or court commissioner may also require a party to reimburse the other party for fees advanced by that party. Factors to be considered as to reimbursement are the relative ability of the parties to pay, the results of the action, the conduct of the parties with respect to attempts to obtain a settlement by other than resort to the judicial system, and other equitable factors which the court might consider.

1311. At the time of the filing of any action for divorce, legal separation, or annulment, the Clerk of Courts shall issue to the filing party a copy of a Notice of Hearing which includes the pre-determined Stipulated Final Hearing. The copy is to be served upon the other party along with the summons and petition in the action.

1312. The Notice of Hearing will show the date 120 days after the filing of the action, or as soon thereafter as the court is available, when a Stipulated Final Hearing is scheduled. Any requests for adjournments for the Stipulated Final Hearing must be made as soon as counsel are aware of a conflict. No adjournments will be granted without court approval.

1313. Upon the Court's notification that a divorce is contested and a trial is scheduled, a Pre-Trial Order shall be issued by the Court. If a party and/or counsel fail to provide the information as required by the Pre-Trial order, the Court may issue sanctions and/or cancel the trial.



1314. The final stipulation/marital settlement agreement and each party's financial disclosure statement shall be filed with the Court prior to the hearing date. The findings of fact, conclusions of law and judgment of divorce and the divorce/annulment worksheet must be filed at the start of the hearing. Failure to file these documents in a timely fashion will result in the cancellation of the hearing.

1315. Clerk of Courts shall not send by United States Postal Service, Marital Settlement Agreements or Findings of Fact, Conclusions of Law and Judgment to a party that has opted in to efilng and/or a party that is represented by an attorney.

1316. Prior to obtaining a date and time from the court, any party seeking to enforce a judgment or portion of judgment of divorce or a temporary order of the Family Court Commissioner, shall file with the Clerk of Courts an Order to Show Cause or other appropriate motion and pay such fee as required. Upon proof of filing and payment of any required fee, the court will provide the filing party with the date and time for hearing. Such date and time shall be included in the notice of hearing and such notice shall be served upon the opposing party within the time prescribed by statute and/or local rule.

1317. If the Family Court Commissioner determines that he/she should disqualify him/herself under Section 757.19 of the Wisconsin Statutes, the commissioner shall then refer the matter to the Family Court Commissioner of Marinette County who will then preside over the matter as Acting Family Court Commissioner for Oconto County.

1318. All initial Motions for Contempt in family matters shall be brought before the Family Court Commissioner.

1319. Attorneys are to file a notice of retainer in all family and paternity cases.

1320. Hearings shall be scheduled as follows:

1. Initial Paternity Hearings: These matters will be scheduled before the Family Court Commissioner.
2. Initial Support & Maintenance Hearings: These matters will be scheduled before the Court Commissioner.
3. Final Hearings - Paternity: These matters require a Pre-Trial hearing with the Court Commissioner. If there are custody/placement issues, the parties shall have been directed by the Family Court Commissioner to mediation, and thereafter, if necessary, a Guardian ad Litem shall be appointed by Family Court Commissioner. If the final hearing is to deal with contested custody/placement issues, the hearing shall be before the Circuit Court, after a Pre-Trial before the Family Court Commissioner.. If custody/placement is resolved, the Family Court Commissioner shall handle the final hearing.
4. Final Hearing - Support & Maintenance: These matters require a Pre-Trial hearing with the Court Commissioner. If there are custody/placement issues, the parties shall have been directed to mediation, and thereafter, if necessary, a Guardian ad Litem appointed by Family Court Commissioner. If the final hearing is to deal with contested

- custody/placement issues, the hearing shall be before the Circuit Court, after a Pre-Trial before Family Court Commissioner. If custody/placement is resolved, the Family Court Commissioner shall handle the final hearing.
5. Final Hearings - Default Judgments: These matters are to be scheduled before the Family Court Commissioner.
  6. Contempt: Initial hearings on these matters are to be before the Family Court Commissioner. It is suggested that a specific block of time be set aside for these matters. Subsequent hearings upon failure to comply or failure to purge from the contempt finding will be scheduled before the Circuit Court.
  7. Revision of Judgment: Initial hearings will be scheduled before the Family Court Commissioner. If these are custody/placement issues, the parties shall be directed by Family Court Commissioner to mediation, and thereafter, if necessary, a Guardian ad Litem appointed by the Family Court Commissioner. If the final hearing is to deal with contested custody/placement issues, the hearing shall be before the Circuit Court, after a Pre-Trial before the Family Court Commissioner. If custody/placement is resolved, the Family Court Commissioner shall handle the final hearing.

1321. In any family matter in which a custody/home study or psychological evaluation is prepared, the Court will disseminate the report to attorneys of record. The attorneys of record may not copy or disseminate the report to the client or anyone else. Upon completion of the matter, all reports must be returned to the Court. If the event any party is pro se, the pro se party must review the report at the Guardian ad Litem's office.

## **RULE 14: JUVENILE POLICY AND PROCEDURE**

1401. Wisconsin Statutes Chapter 48 and 938 are controlling in all juvenile activities.

1402. All requests for adjournments must be in writing and received not later than 48 hours prior to the hearing.

1403. Court reports shall be submitted to the juvenile clerk 72 hours prior to the disposition hearing.

1404. The Register in Probate Office shall prepare all juvenile orders within 10 days of the disposition hearing. The court and/or Register in Probate may designate responsibility for the preparation of orders to another party as appropriate.

1405. In a delinquency action, an admission questionnaire must be completed prior to the acceptance of any pleas. [Plea Questionnaire, Juvenile Admission and Waiver of Rights and Parents CHIPS Waiver of Rights forms are available in Clerk of Juvenile Court Office.]

1406. When necessary, the juvenile clerk will select a Guardian ad Litem, from a predetermined list, prepare the necessary paperwork, have the judge sign the appointment and the Guardian ad Litem sign the consent.

1407. Juvenile court records are deemed confidential and disclosure about same is prohibited by statute.

1408. Juvenile case records are the responsibility of the juvenile clerk and are not to be removed from that office without written permission of the court.

1409. Guardian ad Litem in juvenile matters shall be compensated as provided in Wis. Stats. Sec. 48.235(8). Guardian ad Litem shall not incur any expenses for hiring or consultation with experts without prior approval of the court. Guardian ad Litem must submit a statement within 60 days after completion of their services or the court may, in its discretion, deny payment. The statement for services shall include an itemization of time spent and expenses incurred. The Guardian ad Litem shall mail copies of the statement to the attorneys of record in the matter or directly to any party who is not represented by counsel.

1410. The "Policy and Procedure Manual for the Juvenile and Children's Court of Oconto County" attached hereto as Appendix A is adopted as though fully set forth in these rules. Amendments to this rule may be made by the Judges of Oconto County Circuit Court without regard to Rule 1.

## **RULE 15: TERMINATION OF PARENTAL RIGHTS AND ADOPTIONS**

1501. The parent whose rights are being terminated shall complete all necessary medical and genetic reports and file them with the clerk of juvenile court prior to the hearing.

1502. The adoptive parents shall be responsible for all other costs associated with the adoption proceedings.

## **RULE 16: PROBATE PRACTICE**

1601. All probate proceedings shall be closed not later than 12 months after filing of the petition. If any estate is not closed within 11 months of the filing of the petition, the Register in Probate shall send a letter to the personal representative and the attorney for the estate advising them that the estate must be closed. If the estate is still not closed within 18 months, the attorney and/or the personal representative shall be required to show cause before the court why the estate has not been closed. The court may impose any sanction it deems appropriate including, but not limited to, the removal of the personal representative and/or attorney or dismissal of the entire proceeding and such monetary sanctions as the court deems appropriate.

1602. Any person who objects to the probate of a will must file their objection in writing with the Register in Probate and pay the required fees. The objector shall then contact the Register in Probate for the scheduling of further proceedings. It is the responsibility of the objector to provide proper notice to all interested parties of future proceedings.

1603. When an objection to a claim is filed, the personal representative or attorney for the estate shall send a notice of the objection to all interested parties and shall schedule the matter for hearing with the Register in Probate. The personal representative and attorney shall provide notice to all interested parties of the hearing on the objection. If the claimant fails to attend the hearing, the court may disallow the claim.

1604. Unless otherwise ordered by the court, the inventory must be filed within 90 days from the date the domiciliary letters are issued. If not filed, the Register in Probate shall send notice to the personal representative that the inventory is delinquent. If the inventory is not filed within 6 months, the court shall issue an order directing the personal representative to appear before the court to show cause why the inventory has not been filed. The appropriate filing fee must be paid at the time the inventory is filed.

1605. Unless otherwise ordered by the court, the inventory of the guardian, conservator or trustee shall be filed within 90 days from the date letters are issued. If not filed, the Register in Probate shall send a notice to the guardian, conservator or trustee that the inventory is due. If no inventory is filed within 6 months of the date the letters are issued, the court shall issue an order directing that the guardian, conservator or trustee appear before the court to show cause why the inventory has not been filed. Filing fees shall be paid at the time the inventory is filed.

1606. Before the administration of an Estate can be closed, a Final Accounting must be filed, and any additional fee paid, if necessary, in both Formal and Informal administration matters.

1607. In January of each year, the Register in Probate shall send forms for annual accounts to all guardians, conservators and trustees. It is the responsibility of the guardian, conservator or trustee to complete the report and file it in the office of the Register in Probate together with the verification of all assets. The report must be filed not later than April 15th of the year in which it is due. Failure to receive this annual form does not exempt the guardian, conservator or trustee from preparing and filing the annual report. Failure to file the annual report may cause the guardian, conservator or trustee to be subject to penalty and/or removal. Guardians, conservators and trustees shall keep the court informed of their current mailing address.

1608. The court shall determine the compensation for services rendered by guardians, conservators and trustees which are just and reasonable. The guardian, conservator or trustee shall petition the court for approval of fees. All requests should be made on an annual basis unless otherwise ordered by the court.

1609. When any hearing regarding any alleged incompetent is requested, the Register in Probate shall notify the public defender's office to determine representation. If a public defender is unable to provide representation, the Register in Probate shall so inform the court. The court will then determine whether or not adversary counsel should be appointed. The corporation counsel shall provide notice to all interested parties and shall be responsible for arranging for the incompetent to be present at all hearings unless otherwise ordered by the court.

## **RULE 17: JURY PROCEDURE**

The Clerk of Courts shall, determine with the Court, the number of jurors that will be called in for all scheduled jury trials

## **RULE 18: VIDEO CONFERENCING**

1801. All video court events and appearances are to be indicated on the court record.

1802. Any location where a remote appearance is being conducted with an Oconto County Circuit Judge or Court Commissioner is to be considered an extension of the courtroom in which the hearing is taking place.

1803. Any proceeding or appearance allowable by statute, case law and/or at the discretion of the court may be conducted by video either by request of a party or at the discretion of the presiding court official.

1804. Any party requesting (including the court) the use of video for an upcoming court event should attempt to do so within a reasonable amount of time prior to the hearing/trial and/or to the physical transport of the prisoner/patient/detainee, witness, etc.

1805. If any party objects to conducting a hearing via video, they shall orally (on the record) or in writing notify the court of the reason why and all counsel of record and/or parties not represented by counsel of record of such objection within a reasonable time prior to the hearing. The judge shall make a determination on the record, whether to proceed with the video proceeding or allow or require counsel/litigant to personally appear.

1806. Parties to a video proceeding authorized by the court may efile any papers necessary for the completion of the proceeding. Pro Se parties may provide any papers by facsimile.

1807. During a video proceeding the court shall maintain full control of the remote camera and courtroom camera. No movement or adjustments of the video cameras or sound shall be made unless authorized by the court.

1808. The circuit court shall have priority use of video units, notwithstanding any arrangements made with private entities.