

**IN RE CIRCUIT COURT RULES**

**ORDER**

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It is hereby ordered that the following rules are adopted for all Branches for Portage County subject to further order of the court.

**RE: COURTROOM DECORUM**

1. Court shall be formally opened each day upon which court business is transacted, either by the bailiff or the Clerk of Courts.
2. As the Judge enters the court room the bailiff or Clerk of Court shall require all present to arise and stand. When the Judge has reached the bench the bailiff or the Clerk of Court shall say "Hear ye! Hear ye! Hear ye! The Circuit Court for the County of Portage is now open. Silence is commanded." All shall be seated and the business of the court shall proceed. Proper order and decorum shall be required of all in attendance at the court.
3. In the recessing the Judge shall announce: "The court is now in recess."
4. When the trial is to a jury, the jurors shall take their places in the Jury box before the Judge enters the court room.
5. The flag of the United States shall, at all times while court is in session be displayed at, on, or in close proximity to the bench, on a standard to the right of the Judge.
6. Lawyers may never lean upon the bench nor appear to engage the court in a manner which would lessen the dignity of the proceedings in the eyes of the Jury and Public.
7. Lawyers shall examine witnesses 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 said position at the counsel table or the lectern. Lawyers may either stand while examining a witness from the counsel table or remain seated there. In no case shall a lawyer crowd the witness stand in examining a witness.

**8.** Lawyers should not, in addressing the jury, crowd the jury box.

**9.** Lawyers, during trial, shall not exhibit familiarity with the court, witnesses, jurors or opposing counsel and generally the use of first names shall be avoided. Adult females shall be addressed with the title Ms.

**10.** All lawyers and court officers shall wear coats while in attendance upon the court, provided judicial discretion may be exercised otherwise in extreme situations.

**11.** Lawyers shall advise their clients and witnesses of the formalities of the Court, and seek their full cooperation therewith. (It is not contemplated the lawyers try to get clients and witnesses to wear coats but some advice to clients and witnesses as to general formality might be advisable.)

**12.** Witnesses shall be examined with courtesy and respect, and their good faith presumed until the contrary appears.

**13.** The swearing of witnesses shall be an impressive ceremony and not a mere formality.

**14.** In jury cases which are disposed of upon a motion for nonsuit or directed verdict, the judge, in dismissing the jury, should briefly explain the procedure and why a verdict was unnecessary.

**15.** In criminal cases, the defendant shall stand with his attorney before the bench at the time of arraignment, and at the time of passing sentence.

**16.** The Judge shall wear a robe while presiding on the bench, provided that judicial discretion may be exercised otherwise in proper situations.

**17.** There shall be no smoking or eating in the court room at any time. Drinking water may be

available to jurors and participants in the trial. There shall be no smoking in jury rooms.

## **RE: COURTROOM SECURITY**

### **1. Definitions.**

a. Threats are defined as written or oral declarations of an intention to inflict injury or pain upon individuals employed by or involved in the court system. Any threat shall be treated as serious.

b. Security incidents are episodes of conduct in the courts in which the physical health or safety of participants or the physical property of the courts are put at risk.

**2. Reporting.** All threats and security incidents are to be immediately reported personally or by telephone to the sheriff's office.

**3. Court Security officer.** The sheriff is directed to designate an officer to serve as a court security officer. The court security officer shall be responsible for:

- a. Referral and investigation of all threats and security incidents.
- b. Training of court personnel in handling threats and security incidents.
- c. Making recommendations to maximize court security in the future.

**4. Training.** Upon hiring, every employee (including elected officials) shall be trained in the policies and procedures of handling threats and security incidents, including the use and completion of the report form. Refresher training shall be scheduled for all court employees.

All training shall be coordinated by the circuit judge, clerk of court, and court security officer.

To the extent possible, such initial and refresher training should include the following:

- a. The court's policies and procedures concerning threats and security incidents.
- b. The physical layout of the courts and escape routes from courtrooms and court

offices.

c. Recognizing when a threat is being made.

d. Responding to a bomb threat.

e. Responding to a hostage situation.

f. Techniques in remaining calm and avoiding panic during a stressful or potentially dangerous incident.

g. Techniques in responding to threats and security incidents in such a manner as to defuse the danger of the situation without placing the individual at physical risk.

h. Techniques in enhancing a person's personal safety either in the courts or elsewhere.

I. Telephone protocol when a threat is being made over the phone.

j. Handling irate or abusive individuals in person or over the telephone.

k. Knowing when to contact law enforcement because of immediate concerns with a "panic button" rather than by telephone.

l. Handling threats that are made away from the courthouse.

m. Gathering evidence for potential prosecutions.

n. Using the threat/security incident report form.

## **5. WEAPONS IN COURTROOM.**

All certified law enforcement officers shall be entitled to carry a weapon in the courtroom while acting in their official capacity and with lawful authority. No other person shall go armed with a dangerous weapon in the courtroom.

(Amended May 14, 1996)

**RE: PROCEDURAL RULES**

**1. JURY TRIALS**

**A. CANCELLATIONS**

Settlement negotiations shall be completed and approved by the Court two work days before trial. The parties shall notify the Court of settlement by noon of the second work day before trial (e.g. if a jury trial is scheduled for Monday morning, it must be settled and the Court so notified by noon on the previous Thursday). Failure to follow this rule subjects, the offending party(s), and/or their counsel, to the imposition of the costs.

(Amended June 14, 2007)

**B. VOIR DIRE EXAMINATION**

In the selection of a jury for the trial of an action, the Court shall inform the voir dire panel as to the cause, parties and counsel, and the nature of the action, to the end that they may be sufficiently informed to answer questions touching upon their qualifications to act as jurors. The Court shall next ask questions pertaining to the qualifications of the jurors, and the parties or their counsel shall then ask questions pertaining to the qualifications of the jurors.

**2. APPEARANCE OF ATTORNEYS AT TIME JURY RETURNS VERDICT**

After the jury has retired to deliberate upon a verdict in a civil action, the Court shall state on the record, in the presence of counsel for all the parties, that it will be in session or will sit between stated hours for the purpose of further instructing the jury or receiving a verdict, and that if any counsel is not present at such time or times, his presence will be deemed waived.

**3. PRETRIAL CONFERENCE**

A pretrial conference shall be held in all civil jury actions. A pretrial conference shall be attended by the attorney in charge of the trial or, with prior approval of the Court, by an associate

attorney having authority to bind the trial attorney, and the attorneys shall have their clients or an authorized employee of their clients present, or in lieu thereof, shall have express authority to bind such clients as to all matters upon the pretrial agenda, including settlement. Each attorney shall furnish to the court at the pretrial conference, with copy thereof for opposing counsel:

(A) A typewritten statement succinctly describing the kind of action, the issues involved, and a brief summary of the factual situation as regards the cause of action or defense, and

(B) In personal injury actions, a typewritten itemized list of the claimed special damages and copies of all medical reports.

(C) Proposed jury instructions and jury verdict.

(D) A list of proposed exhibits.

(E) A statement of the number of witnesses expected to testify and the probable time requirements.

The unexcused failure to appear at a scheduled pretrial conference may, within the discretion of the judge conducting such pretrial conference, subject the defaulting party to dismissal of the action, imposition of costs or other sanctions within the discretion of such judge.

#### **4. DUTY OF ATTORNEYS WITH RESPECT TO OMISSION OR ERRORS IN INSTRUCTIONS**

Immediately after the jury retires, counsel shall call to the courts attention obvious omissions or inadvertent errors contained in the instructions, in order that appropriate and timely correction may be made by the Court.

#### **5. CONSOLIDATION OF CASES**

All cases arising out of the same transaction or the same act or acts of negligence may, on motion of any party, or on order of the Court on its own motion, be consolidated for the purpose of trial.

The foregoing rule for consolidation shall not apply when it appears to the Court that application thereof would work manifest injustice to any party.

## **6. CONTINUANCES**

6A. Requests for continuances shall not be made on an ex parte basis. Consent of opposing counsel to a continuance will not be recognized as per se warranting the continuance.

6B. When an attorney has entered an appearance in a case, he or she may not withdraw without permission of the Court. (SCR20:1.16(c))

(Amended June 27, 2012)

## **7. DISCUSSION OF ADMISSIBILITY OF EVIDENCE**

Counsel will not be permitted to argue or comment upon the admissibility of evidence during the trial of cases except upon leave first granted by the Court.

## **8. SERVICE ON OPPOSING COUNSEL**

Unless the Court shall otherwise direct, before submitting to the Court any proposed order, finding, conclusions of law, or judgment a copy shall be submitted to opposing counsel.

The foregoing shall not apply to orders to show cause.

## **9. LIMITATION OF ARGUMENTS**

Within reasonable discretion, taking into consideration all the evidence produced at the trial, the Court may limit the arguments of counsel as to the time thereof. Counsel shall be advised of such limitation prior to the commencement of arguments.

## **10. BORROWING COURT FILES REGULATED**

No court file or paper may be withdrawn from the Clerk of Courts Office, except by a judge or by authorized court personnel for delivery to the judge's office or the court room.

(Amended June 27, 2012)

#### **11. REQUEST FOR INSTRUCTIONS**

Requests for instructions shall be served on opposing counsel and submitted to the Court 48 hours in advance of at the pretrial conference unless the trial judge otherwise permits. Any non-standard instruction shall be on a separate sheet and each shall have noted thereon the citation of authorities relied upon to sustain such instruction. When an instruction is requested from Wisconsin Civil, Criminal or Juvenile Instructions it may be cited solely by number unless modifications are requested. Any modification shall be submitted as above.

#### **12. (A) WRITTEN SUBMISSIONS/SUBMISSION OF TRIAL BRIEFS**

(1) Any party or attorney shall file all original briefs, memorandums of law, written motions, and summary judgment motions in the office of the Clerk of Courts, and shall deliver a copy of any such written document to the office of the judge assigned to the case.

(2) Trial briefs furnished to the Court shall first be served on opposing counsel, unless counsel shall have in writing (or orally upon the record at the pretrial conference) stipulated:

(A) As to what matters or material or content shall be included in the trial briefs to be submitted, and

(B) That each counsel on behalf of his client, waives the necessity of exchanging copies of his trial briefs.

(Amended January 27, 2010)

#### **12. (B) FAXED DOCUMENTS**

The Court does not allow faxed documents for filing with the Clerk of Courts. Copies of

documents, letters, motions, memorandums of law, briefs, exhibits, affidavits, etc, shall not be faxed to the Court without prior approval of the assigned Judge. If approved, the judicial assistant will provide a courthouse fax number of where the document can be faxed.

(Amended May 6, 2013)

### **13. STIPULATIONS TO HOLD OPEN CASE FILES**

All stipulations to hold cases open shall provide for final disposition of the cases within State recommended Case Processing Benchmarks or shall include the court's express approval of the delay.

### **14. EXHIBITS**

#### **(A) RECEIPT OF EXHIBITS IN THE COURTROOM**

Receipt of exhibits in the courtroom should be carried out using the following procedures:

1. Number the exhibits consecutively regardless of which party offers the exhibit.

EXAMPLE:

Plaintiffs	Exhibit 1
Defendants	Exhibit 2
Defendants	Exhibit 3
Plaintiffs	Exhibit 4

2. Place a label (or a tag for large, bulky exhibits) on each exhibit with the following information:

- \* Exhibit number
- \* Case number(s)
- \* Date
- \* Clerk's initials

3. When using stamps or stickers, be careful not to obliterate important portions of

the exhibit or make it difficult to identify the exhibit as to case number, exhibit number, etc.

4. Do not use tags unless absolutely necessary, but when necessary, use a heavy tag rather than a slip of paper, which can easily become detached.

5. Place small exhibits in small fastener-type envelopes, marked properly and fastened (one exhibit to an envelope, if possible).

6. Mark filed papers as exhibits only when authorized by the presiding judge.

Certified copies may be used as exhibits.

7. Only a deposition offered in whole or in part during a court proceedings should be marked as an exhibit. However, exhibits to a deposition may be marked as such.

8. Exhibits previously marked in another proceeding should be remarked.

9. If any exhibit is presented in a container, inquire if the container is to be included as part of the exhibit.

10. After an exhibit has been received (admitted into evidence), do not allow it to leave the possession of the clerk without a court order or until it has been determined that the case will not go to appeal, unless counsel moves to withdraw an exhibit and the court so orders. Denied exhibits may be returned to parties although the identification remains on the exhibit list. It is not necessary to store juvenile exhibits separately.

11. Maintain an exhibit list form containing the following information:

- \* Date of Hearing/Trial
- \* Date Judgment Filed
- \* Case Number
- \* Case Title
- \* Attorneys' Names
- \* Exhibit Description
- \* Received
- \* Offered
- \* Withdrawn
- \* Denied

**(B) STORAGE OF EXHIBITS DURING TRIAL**

Storage of exhibits should be carried out using the following procedures; except as otherwise ordered by the Court:

1. Keep all exhibits in a locked security file in the courtroom during the trial. Narcotics, weapons, money, valuable or sensitive materials should be secured in a file cabinet during court recesses, lunch hours, and at other times when exhibits are unattended by the courtroom clerk.
2. If a security storage cabinet or vault is not available in the courtroom, place narcotics, weapons, money, valuable or sensitive materials in the clerk of courts vault each night.
3. Oversized exhibits except for sensitive or dangerous items may be stored in the courtroom, if the courtroom is kept locked.
4. Keep denied exhibits and others to be withheld from the jury separate from the admitted exhibits during the trial.
5. Keep admitted exhibits in numerical order during the trial.
6. If counsel or the court take an exhibit from the clerk during trial, the clerk shall make a note of the number of the exhibit and who has taken it.
7. If at the conclusion of the trial counsel stipulates and court approves, large and unwieldy exhibits can be represented by a photograph. The photograph shall be marked with the same information as the exhibit.

**(C) EXHIBITS COORDINATOR**

Assign a staff person (and alternate for larger courts) to act as an "Exhibits Coordinator" to oversee all exhibit policies and procedures; ensure proper labeling, storage and

tracking; monitor retention periods and appeals progress; send notices to parties; transfer, return and destroy exhibits.

A key function of any exhibits coordinator should be to remind clerks of court and judges to have stipulations signed in court when the parties are present and to return exhibits immediately after trial, when possible.

It may be more appropriate to consider assigning a "criminal/traffic" exhibits coordinator and a "civil/small claims/family" coordinator, or some other variation, depending on the size, logistics and organization of the court.

**(D) MANAGING EXHIBITS AFTER TRIAL**

Exhibits should either be returned, retained or disposed of after trial using the following procedures, except as otherwise ordered by the Court:

**1. Retention Period for Exhibits (SCR 72.01(45),(46))**

Both criminal and noncriminal case exhibits have a one year retention after the time for appeal has expired, provided the exhibits have first been offered back to the parties that submitted them as evidence (or a signed stipulation releasing the exhibits had previously been acquired.) The time period to allow for appeals to be initiated is 120 days starting with the date of the final judgment or order.

To monitor retention for final disposition, use a computerized inventory and monitoring system to locate, track and dispose of exhibits, or use the copy of the law enforcement receipt as an indicator in a manual calendar or "tickler" system for timely disposal.

**2. Handling of Exhibits After Trial**

Standard policies and procedures for managing exhibits after trial should be established and applied in a routine, systematic manner in the normal course of the court's

business.

**a.** At the conclusion of civil and family trials, ask the attorneys "on the record" whether they will stipulate to the release of all or a portion of the exhibits. If so, have each party sign a stipulation and order releasing exhibits (Form CF-102). If possible, have the stipulation signed in advance.

If the parties sign a stipulation regarding the exhibits, dispose of all exhibits in accordance with the stipulation after the mandated one year retention (allow 120 days for appeal period to expire). An exhibit that is returned to the parties immediately (within 30 days) after trial via the signed stipulation releases the clerk from the custodian obligation to store and retain the exhibit for the required period under SCR 72.

Notification of the State Historical Society is not required for exhibits to be destroyed.

**b.** At the conclusion of criminal, traffic, and juvenile trials, if there is an acquittal, inform the parties submitting the exhibits to remove them within 30 days or less. If there is a conviction, exhibits should be retained and stored in an orderly fashion in a locked vault or room at one location.

**c.** Exhibits that are withdrawn remain listed on the exhibit list (and the withdrawal noted), but are not retained by the clerk. This releases the clerk from the custodial obligation to store and retain the exhibit for the required retention period under SCR 72.

**d.** Exhibits that are denied admittance into evidence remain listed on the exhibit list (with the denial noted), and are retained by the clerk unless return to the attorney/party is specifically stipulated by the court.

### **3. Retention of Exhibits as a Result of an Appeal**

If a case is appealed, maintain exhibits until a decision is rendered, then retain the exhibits for 120 days and one year from the date the appellate decision was rendered. Follow the same procedures for noticing parties as for exhibits from a trial court.

**4. Retention and Disposal of Contraband Exhibits**

Drugs, weapons and ammunition should be stored by law enforcement agencies after trial. Storage at law enforcement agencies is generally more secure and access better controlled. These exhibits, particularly drugs, are attractive to theft. Court employees are not trained to safely store and handle weapons and ammunition. Old ammunition may also be unstable.

**a.** When transferring exhibits to the custody of law enforcement agencies, get a receipt acknowledging transfer to their custody and file the receipt in the case file or manual "tickler" system, noting on the exhibits list where and when transferred.

**b.** After conviction, and after the appeal and retention periods have passed, weapons should be sent to the state crime laboratory or the sheriff's department for disposal. Drugs should be sent to the confiscating agency or sheriff's department for destruction. These steps are in compliance with s.968.20(3)(a)(b) and s. 161.55 of the statutes.

**5. Deposition, Interrogatories and Other Discovery Material**

Prior to July 1, 1986, depositions and other discovery material were required to be kept with the case file and comprised the greater volume of some court records. Depositions, interrogatories and other discovery material received prior to 7/1/86 should be purged and handled as exhibits. After the related case has been disposed and the appeal period has passed, they can be offered back to the offering parties by personal or public notice and either returned or destroyed.

Relevant information contained in depositions, etc. is documented in transcripts and/or incorporated into the findings of fact and conclusions of law that result in a final judgment or order. This information is contained in the case file. Copies of depositions and interrogatories are also kept by the parties/attorneys involved.

As of July 1, 1986, the law requires original depositions, interrogatories, demands to admit, and other discovery materials be retained by the party(s) or attorney(s) who initiated the discovery. Judges should be encouraged, when possible, to accept on the record only the relevant information or material of such bulky records to reduce case volume and long term retention problems. An option is to remove these documents from the case file, cross-reference and store in inactive or "dead" storage and, if not marked as an exhibit, return to the offering party immediately (within 30 days) after trial.

**6. Money as Exhibits**

Money which is the proceeds of crime or drug sales must be forfeited to the state and/or county in compliance with s.161.55(5)(b) and s.945.10 of the statutes; and with regard to Article X, Section 2 of the State Constitution.

**a.** Gambling proceeds must be forfeited to the state school fund under s.945.10 of the statutes and Article X, Section 2 of the State Constitution. This can be accomplished by order of the judge with a copy of the order sent with the check to the State Treasurer as a separate submission from the regular monthly report.

**15. ELECTRONICALLY RECORDED PROCEEDINGS**

**1.** All Court proceedings that are electronically recorded, shall be preserved on disk or tape, and shall be safeguarded by the Portage County Clerk of Court. No duplicate copy of any disk or tape shall be made without a court order. If a party, member, or representative of the

media, requests a transcript of a court proceeding that has been electronically recorded, an Official Court Reporter shall transcribe the court proceeding pursuant to Supreme Court Rule 71.05. The court reporter who prepares the transcript shall certify that it is a verbatim transcript of the electronic recording of the proceeding.

(Amended January 27, 2010)

## **15. FORECLOSURE MEDIATION**

Portage County in cooperation with the Wisconsin Foreclosure Mediation Network offers a voluntary foreclosure mediation program to owners of residences (1 to 4 family) and mortgage lenders for the purposes of communication and discussion of settlement alternatives early in the foreclosure process with the goal of reducing the number of foreclosures through any alternatives to foreclosure that may be available.

Therefore, until further order of the Court, in all residential (1-4 family) foreclosure actions filed on and after the effective date of June 1, 2013, the plaintiff shall attach to the front of the summons served upon the defendant/mortgagor the following two forms reproduced on yellow paper:

- (1) Notice of Availability of Mediation  
(as found on the Portage County Clerk of Court website – <http://co.portage.wi.us/courts/clerkCourts.shtm>)
- (2) Mediation Request Form  
(as found on the Portage County Clerk of Court website – <http://co.portage.wi.us/courts/clerkCourts.shtm>)

The Notice of Availability of Mediation and a Program Description shall be made available on the website of the Portage County Clerk of Circuit Court.

(Created May 2013)

**RE: FAMILY COURT**

**1. Guardian Ad Litem Procedures**

**a. Deposit and Billing:** Petitions for the appointment of Guardian ad Litem in custody disputes shall be accompanied by a fee deposit of **\$1,000.00** or a court order waiving the fee on grounds of indigency. **The \$1,000.00 deposit may be split \$500/\$500 per party, at the discretion of the Court.** Attorneys appointed to act as Guardian ad Litem in family matters shall send each party an interim billing on a monthly basis itemizing time and expenses and depicting each party's share of the balance due. The Clerk of Court shall disburse the GAL deposit on receipt of an itemized statement showing time and expense in excess of the deposit.

(Amended June 27, 2012)

**b. Appointment:** In family law cases, upon request by a party for the appointment of a Guardian ad Litem, the Court, or Family Court Commissioner shall appoint an attorney on the Guardian at Litem list. If all parties are in agreement, and the proposed Guardian ad Litem is willing to act, the Court or Family Court Commissioner may approve the appointment of the agreed upon attorney.

(Amended September 14, 2007)

**2. Domestic Abuse and Harassment Restraining Orders:** All domestic abuse and harassment restraining orders shall be signed by the Family Court Commissioner unless unavailable. The Family Court Commissioner shall also conduct all hearings on such petitions, unless unavailable or a conflict exists.

(Amended September 14, 2007)

**3. Mediation:**

3A. Testimonial Privilege: Any counselor who mediates custody or visitation issues in family actions on order of the Family Court Commissioner shall be accorded a testimonial privilege under Sec. 767.081 (I) Stats.

3B. Family Court Commissioner shall order Mediation in all disputed custody or placement cases. A participant may request waiver of mediation for danger or hardship at any time in the proceeding. The Family Court Commissioner shall determine waiver.

3C. Family Court Commissioner shall approve qualifications of all mediators prior to service. Minimum requirements:

- State certification
- Training on dynamics and effect of domestic violence

3D. Parties may hire a qualified private mediator subject to Family Court Commissioner approval. Without an agreement or approval, Family Court Commissioner shall assign mediator from Portage County list. County mediators must agree to work at the County's current contract, and complete one pro-bono mediation out of ten assigned cases.

3E. Before the assignment, each party must pay the mediator a deposit for one hour of service, and file a parenting plan and a Financial Disclosure Statement with Family Court Commissioner.

3F. Family Court Commissioner may waive or reduce the deposit requirement, and may require a payment plan on a wage assignment to recover any fees paid by County.

3G. County shall pay the mediator for the first hour of mediation. Thereafter the parties may pay the mediator directly. Any unused balance of deposits shall be divided equally between parties and returned to poster.

3H. Mediators may request County reimbursement for fees incurred beyond the

initial three hours, but the expectation is the matter will be resolved in the initial time period. If the County pays for any services beyond three hours, the parties shall reimburse the County for any expense incurred. Family Court Commissioner determines need for more mediation.

3I. Family Court Commissioner shall conduct a pretrial conference to discuss issues, and pragmatics of the court case. Family Court Commissioner shall determine impasse in mediation based on mediator's report and refer the matter for court proceedings. Family Court Commissioner shall appoint guardian ad litem from court list.

(Amended September 14, 2007)

**4. Receiving and Disbursing Fees:** Each party ordered to make payments for maintenance, child support, or family support under interim or final orders in an action affecting the family shall pay to the Child Support Enforcement Trust an annual receiving the disbursing fee of \$35.00. Only one fee shall be imposed on any individual payor for each case file.

Each annual fee payment shall be made at the time of, and in addition to, the first payment to the Child Support Enforcement Trust in each year for which payments are ordered.

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.

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

In all actions affecting the family in which the court has, before the effective date of this rule, ordered an annual receiving and disbursing fee to be paid, the amount of the fee shall be the amount established by this rule, payable on the anniversary date of the first payment.

Future amendments to 814.61(12)(b), Wisconsin Statutes, are incorporated into these rules as they become effective.

(Amended September 14, 2007)

**5. Parents Forever Seminar:** All parties with minor children are required to attend an educational program on the effects of divorce on children unless excepted by the Court is entitled "Parents Forever Seminar". The petitioning party must serve the other party with a copy of a Court Order requiring attendance at the educational program along with the Summons and Divorce Petition. Signed orders can be obtained from the Portage County Clerk of Court's office.

(Amended September 14, 2007)

**6. Interim Disbursement Orders:** Any person who is to receive a court ordered support, maintenance, costs or appearance payment, temporary or permanent, shall submit to the Court for signature a completed Interim Disbursement Order (FA-607) at the time of entry of the order. Forms may be obtained from the Clerk of Court's office for this purpose.

(Amended December 11, 1998)

**7. Confidential Information:** To protect individuals from identity fraud, the social security numbers of the parties and their children may be placed in a sealed envelope in the court file. The divorce or paternity petition, and the findings of fact, conclusions of law and judgment of divorce or paternity should then refer to the separate filing containing the social security numbers. All financial records and information, and health records shall be sealed and marked confidential to be opened only upon order of the Court.

(Amended February 4, 2004)

**8. Certificate of Readiness:** All non-represented parties to a divorce action shall

obtain from the Family Court Commissioner a Certificate of Readiness for trial prior to a final hearing or contested post judgment hearing. The certificate shall be issued only after:

a. Determining that petitioning party(ies) have completed a review of guidelines concerning the advisability of proceeding pro se:

b. Determining that all paperwork meets requirements and is appropriately completed. This includes but is not limited to: financial disclosure statements, marital settlement agreements, and proposed Findings of Fact, Conclusions of Law and Judgments, and:

c. Determining that the petitioning party understands appropriate instructions concerning presentation of evidence to support the divorce petition at trial.

**9. Family Law Information Center:** Non-represented parties to a divorce action may obtain the above referenced Certificate of Readiness from the Family Court Commissioner through the Family Law Information Center. The fee for providing such service through the Family Law Information Center is \$75.00 for a non-represented petitioner, \$100.00 for non-represented joint petitioners, and \$25.00 for a non-represented respondent. Such fees are to be paid directly to the Portage County Treasurer. The Court may balance fees between parties based on ability to pay in the final judgment. The Court may waive fees in the case of indigency. All such fees shall support the cost of operation of the Family Law Information Center.

(Amended January 11, 2012)

**Availability:** The Center shall be available to all Portage County residents and participants in a Portage County divorce proceeding for assistance with regard to forms and procedures of the Portage County Family Courts. The center does not provide legal advice or representation. The Family Court Commissioner will supervise the operation of the Family Law Information Center and provide appropriate notice of the availability of its services to the public.

(Amended October 10, 2011)

**RE: DE NOVO HEARINGS; PROCEEDINGS BEFORE COURT COMMISSIONER**

*Unless Wisconsin Statutes authorize otherwise,*

Any party who was present at the **hearing** has the right to have the assigned judge hold a new **hearing** by filing a written request with the judge's clerk, with a copy sent immediately to the opposing party, within 15 days of the oral decision of the court commissioner or within 15 days of mailing of the written decision if the order was not orally given at the **time** of the **hearing**.

Notices requesting a **hearing de novo** will not stay the order unless the judge specifically grants a stay of the order. Should a party request a **hearing de novo**, the court will not proceed with any enforcement actions requested by the same party before that **hearing** e.g. the court will not grant a bench warrant and a commitment order requested by the petitioner, if the petitioner requests a bench warrant based upon the failure of the respondent to comply with the order upon which the petitioner has requested a **de novo hearing**.

The court commissioner shall not **hear** any motions to modify an order or temporary order if the matter is pending a **de novo hearing** or if the trial has been held and the court has taken the matter under advisement. The order in existence will remain in effect until the court renders its decision.

(Amended June 27, 2012)

**RE: SMALL CLAIMS COURT**

1. The service of a summons upon any resident of Portage County in all actions under Chapter 799 Wis. Stats., except eviction actions, may be by mail under 799.12(3) Wis. Stats. in lieu of personal or substituted service under Section 801.11 Wis. Stats.

2. Plaintiffs and defendants shall appear in person or by counsel at all joinder/pretrial hearings. If, however, a defendant is a non-resident of the State of Wisconsin, then such defendant shall be permitted to join issue in any of the actions specified in Section 799.01 without appearing on the return date by answering by mail, provided such answer is received by the Clerk prior to the return date.

3. All actions commenced by service of process outside of Portage County shall contain information justifying venue in Portage County.

4. Each party shall prepared to try all issues at the initial joinder hearing. In the event a party believes they can not try all issues on the joinder date they shall request an adjournment stating the reasons for the request. They shall advise the Court of the number of witnesses they expect to call and the estimated time required to complete any trial.

5. An order to show cause directed to a judgment debtor seeking contempt for failure to comply with an order under 799.26(a) Wis. Stats. shall, unless otherwise directed by the Court, be served personally upon such judgment debtor.

6. Actions for a money judgment based upon accounts for materials or services, or actions for money judgment or replevin based upon a note may be scheduled for a fast track procedure when the plaintiff expects the matter to default. The plaintiff shall identify the case as such by placing the letters FT on the summons to the right of the location provided for the case file number. All cases so identified shall be scheduled at a separate time on the next available joinder date. Cases will be grouped and called in order by plaintiff's attorney or plaintiff.

Cases which the plaintiff does not expect to default should not be identified for fast track appearance. A continuing abuse of the procedure's availability may result in termination of the procedure, or an order barring its use by an individual plaintiff or attorney.

(Amended July 10, 1997)

**RE: JUVENILE COURT**

1. The Portage County Victim/Witness Coordinator shall provide notice to victims as required Sec. 48.346.

**RE: JUROR SERVICE**

1. All jurors may be required to provide up to five days of service pursuant to Statute 756.28(2).

**RE: COMPUTERIZED RECORD KEEPING**

**1. STATE BAR ID NUMBER**

In each case file, the initial pleading or document filed by an attorney on behalf of a client shall include the State Bar identification number of the attorney on the first page of the document.

**RE: UNPAID FINES/FORFEITURES**

1. Fines, forfeitures, costs, surcharges, restitution, and/or attorney fees shall be paid within sixty (60) days of the sentencing hearing;
2. If the defendant needs more than sixty (60) days to pay, he/she shall establish a payment plan with the payment bailiff in the Clerk of Courts Office within thirty (30) days of the sentencing hearing;
3. The payment schedule established by the payment bailiff shall be based on the defendant's financial resources and ability to make payments;
4. If the defendant experiences a substantial change of circumstances making it impossible to comply with the payment plan, the defendant shall contact the payment bailiff to modify the plan;
5. If the defendant fails to pay the fine/forfeiture and costs within sixty (60) days, or fails to comply with the payment plan, the defendant shall be immediately sentenced for **contempt of court** to one (1) day in jail for each \$50.00 remaining on the fine, forfeiture, costs, etc.; serving time in jail for contempt does not eliminate or reduce the fine/forfeiture; the defendant is still responsible for the unpaid fine/forfeiture;

6. All defendants jailed for non-payment of fines/forfeitures, etc., will be afforded an indigency hearing before the Court Commissioner/Court, at the earliest available time.

(Amended December 14, 2012)

**RE: SCHEDULING OF COURTROOM BY OUTSIDE JUDGES**

Judges assigned to cases within Portage County shall coordinate their scheduling through the secretary or staff of the court branch to which they are assigned to obtain a courtroom assignment. In the event no such assignment is obtained, any case scheduled shall be considered subsequent in priority to those cases scheduled by the sitting judge.

(Amended February 7, 1995)

Dated and signed at Stevens Point, Wisconsin, this \_\_\_\_\_ day of June, 2013.

BY THE COURTS:

\_\_\_\_\_  
Thomas B. Eagon  
Circuit Judge - Branch 1

\_\_\_\_\_  
John V. Finn  
Circuit Judge - Branch 2

\_\_\_\_\_  
Thomas T. Flugaur  
Circuit Judge - Branch 3

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Hon. Gregory Potter, Chief Judge  
Sixth Jud. Admin. District