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CIRCUIT COURT
COLUMBIA COUNTY, WI

STATE OF WISCONSIN

CIRCUIT COURT

COLUMBIA COUNTY

Columbia County Circuit Court Rules

ORDER

IT IS ORDERED the Columbia County Circuit Court Rules are created as follows:

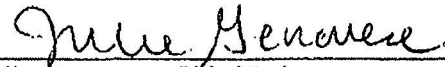
Effective: July 1, 2026

Dated this 12th day of June, 2026



W. Andrew Voigt, Presiding Judge
Columbia County Circuit Court

Dated this 12th day of June, 2026



Julie Genovese, Chief Judge
Fifth Judicial Administrative District

COLUMBIA COUNTY CIRCUIT COURT RULES

(Fifth Judicial District)

Effective July 1, 2026

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RULE 1: ADOPTION, AMENDMENT, AND PUBLICATION OF COLUMBIA COUNTY CIRCUIT COURT RULES

- 1.01: These rules have been adopted by the Columbia County Circuit Judges, and supersede all previous rules and policies.
- 1.02: Court rules and amendments shall be adopted by written order of a majority of the Columbia County Circuit Court Judges, subject to the approval of the Chief Judge of the Fifth Judicial District.
- 1.03: The majority of Judges may adopt policies which shall be dated and signed by the Presiding Judge. All parties shall comply with any policy adopted pursuant to this rule. The Clerk of Circuit Court's Office shall retain a copy of each policy.

RULE 2: RULES OF DECORUM

- 2.01: The Standards of Courtesy and Decorum in SCR Chapter 62 are incorporated by reference and adopted in full.
- 2.02: At all times, litigants and attorneys shall be civil in their dealings with one another and with the public. All parties are expected to conduct court and court-related proceedings, whether written or oral, including discovery proceedings, with civility and respect for each of the participants.
- 2.03: No litigant or attorney shall
- a. crowd the jury box
 - b. lean upon the bench or witness stand
 - c. use the first names of or otherwise exhibit familiarity with witnesses, jurors, opponents, or the court; or
 - d. appear to engage the court or other participants in a manner which would lessen the dignity of the proceedings in the eyes of the public.
- 2.04: At all times, decorum is expected. Litigants and attorneys shall abstain from uncivil, abusive, hostile, or obstructive conduct including disparaging, demeaning, or sarcastic remarks or comments about another person.
- 2.05: Litigants and attorney shall be punctual for all scheduled proceedings.
- 2.06: Attorneys, while participating in court proceedings, shall wear appropriate professional attire that shows proper respect for the court, the proceedings, and the law.
- 2.07: Attorneys and litigants shall make all reasonable efforts to reach informal agreement on preliminary and procedural matters, attempt expeditiously to reconcile differences through negotiation without needless expense or waste of time, and abstain from pursuing or opposing discovery arbitrarily or for the purpose of harassment or undue delay.
- 2.08: Witnesses shall be examined with courtesy and respect.
- 2.09: Voir Dire Examination: Unless otherwise authorized by the court, voir dire examination shall:
- a. use collective questions addressed to the panel as a whole
 - b. use individual inquiry only when necessary
 - c. avoid repetition
 - d. seek only information material and necessary to jury selection
 - e. avoid defining the law or asking jurors to interpret the law
- 2.10: Electronic Devices:
- a. Subject to Rule 3, there shall be no video or still photography in any courtroom.
 - b. Unless authorized by the court, all spectators and visitors to public sessions of the Columbia County Circuit Court must turn off and stow away all electronic devices. This rule applies to all electronic devices that are capable of receiving and sending any form of communication including, but not limited to, cell phones, pagers, "smart

phones," tablet computers, or any other device that can connect to either the internet or a telephone cell network.

- c. Any person serving as a juror shall not use any of the electronic devices identified in section (a) above without express permission of the court.

- 2.11: Interpreter Services: 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.
- 2.12: All Columbia County Circuit Court proceedings shall be open to the public unless prohibited by statute or otherwise ordered by the court.

RULE 3: MEDIA COVERAGE AND CAMERAS IN COURTROOM

- 3.01: All media coverage of proceedings in the Columbia County Circuit Courts shall be in accordance with Supreme Court Rule (SCR) Chapter 61.
- 3.02: Cameras and recording equipment may be allowed in courtrooms or hearing chambers at the discretion of the court, provided a written request is made to the presiding court official at least **72 hours** before the scheduled hearing or trial.
- 3.03: The presiding court official shall designate the location within the courtroom of any and all camera or audio equipment so that media coverage will not obstruct the view of persons located in the public areas of the courtroom.
- 3.04: There shall be no visual photography or videotaping of any juveniles, victims, undercover law enforcement agents, or confidential informants unless authorized by the court upon advance request.
- 3.05: There shall be no video or still photography taken of any jurors or prospective jurors under any circumstances.
- 3.06: The name of the Media Coordinator shall be maintained on file at <https://www.wicourts.gov/news/mediacoord.htm>.
- 3.07: Live streaming is not permitted for any court proceeding without a court order signed by the presiding court official.

RULE 4: COURT FILINGS AND FAX TRANSMISSIONS

- 4.01: Columbia County encourages e-filing of pleadings and documents by all parties. Attorneys and high-volume filers are required to file documents by e-filing pursuant to Wisconsin Statute § 801.18. E-file parties are required to abide by these rules. (See the Wisconsin Court System, Circuit Court e-Filing web page <https://www.wicourts.gov/ecourts/efilecircuit/index.jsp>).
- 4.02: E-filers shall not submit any filing by facsimile transmission.
- 4.03: No briefs, exhibits, or memoranda of law may be submitted by facsimile transmission.
- 4.04: Documents may be filed by facsimile transmission to the Clerk of Circuit Courts Office at 608-742-9601 only if the following requirements are met:
- a. The filer must be a non e-filing party
 - b. The document does not exceed fifteen (15) pages in length.
 - c. A filing fee is not required.
- 4.05: Documents filed by facsimile transmission completed after regular business hours of the Clerk of Circuit Court's office are considered filed on that day if the submission is made by 11:59 p.m. central time pursuant to Wis. Stat. § 801.16.
- 4.06: Facsimile papers are considered filed upon receipt by the Clerk of Circuit Court and will be file stamped and entered as part of the official court record. No additional copies may be sent. The Clerk of Circuit Court shall discard any duplicate papers subsequently received, unless the original facsimile document is unclear, and then the original duplicate may be substituted and file-stamped the date the facsimile was received.
- 4.07: The party transmitting the facsimile document is solely responsible for ensuring its timely and complete receipt.
- 4.08: The court officials and the Clerk of Circuit Court are not responsible for:
- a. Errors or failures in transmission that result in missing or illegible documents.
 - b. Periods when the facsimile machine is not operational for any reason.
- 4.09: Exhibits shall not be pre-filed before any hearing. Exhibits will be filed after they are received by the court. Clerks may reject exhibits filed without the court's permission.
- 4.10: Any communication with the Court must be in writing and provided to all parties. The communication must clearly identify the case number and names of the parties or counsel copied on the communication. The Court will not accept substantive pro se filings from represented litigants.

RULE 5: REQUESTS FOR ADJOURNMENT AND REQUESTS FOR REMOTE APPEARANCE

- 5.01: Requests for adjournment: A request to reset the date and time of a hearing must be in writing, and must be addressed to the court official before whom the hearing is scheduled.
- a. To be considered, the written request must include the reason for the request, the efforts made to contact other parties, and the other parties' position regarding reset.
 - b. Reset requests made after Noon on the day preceding the hearing shall not be considered.
- 5.02: Requests for remote appearance: A request for a specific hearing date to be remote (by telephone or Video conferencing) must be made in writing, using Wisconsin Circuit Court Forms GF-306 and GF-307.
- a. To be considered, the written request must include the reason for the request, the efforts made to contact other parties, and the other parties' position regarding the hearing being remote.
 - b. Remote appearance requests made after Noon on the day preceding the hearing shall not be considered.
- 5.03: The above is not intended to limit the absolute discretion of the court in appropriate circumstances.
- 5.04: Conduct during remote appearances:
- a. Remote Appearance participants shall conduct themselves as if physically present in the courtroom including, but not limited to, abstaining from drinking, smoking, or eating. Participants shall be appropriately attired, and they shall remove hats and caps. Participants are subject to sanctions for contempt of court.
 - b. Remote proceedings are court proceedings; the official court record is created by the court reporter or any digital recording made at the direction of the court official. Under the penalty of contempt, no person or organization shall record and/or rebroadcast virtual proceedings without the express permission of the court official presiding over the proceeding.

RULE 6: FAMILY LAW PRACTICE

- 6.01: Mediation: If the parties have minor children and do not agree upon custody and/or placement terms, the parties shall be ordered to attend mediation before a Guardian ad Litem is appointed. The only exception to this requirement is if the court official assigned finds that attending a mediation session will cause undue hardship or would endanger the health or safety of a party (see Wis. Stat. § 767.405(8)).

Mediation may be conducted remotely (by telephone or Video conferencing) at the sole discretion of the assigned mediator.

- 6.02: Guardian ad Litem: In any action affecting the family when a Guardian ad Litem is appointed, each party shall be required to make a deposit to the Columbia County Clerk of Courts at the time of the appointment or as ordered by the court. One or both of the parties shall be required to reimburse Columbia County for the full cost of the GAL fees and costs. Payment plans may be permitted at the discretion of the Columbia County Clerk of Courts. The Court reserves the right not to schedule future motions for hearing until prior GAL fees have been paid in full.

- 6.03: Matters to be heard by the Family Court Commissioner: The following matters shall be heard by the Family Court Commissioner. In all matters heard by the Family Court Commissioner, a hearing date and time shall be obtained from the Columbia County Clerk of Courts' Family clerk before any documents are filed with the court. The Motion/Order to Show Cause document shall contain the date and time set for hearing.

- a. Motions for Temporary Order/Order to Show Cause for Temporary Order hearings in divorce, annulment, and legal separation actions.
- b. The initial hearing on a petition for custody, placement, and/or financial orders when the parties have a signed Voluntary Paternity Acknowledgment (see Wis. Stat. § 767.805(3)(a)).
- c. Establishment of Paternity and/or Support, custody, and placement orders brought by either the state of Wisconsin or private party.
- d. Motions to Modify Child Support (pre-judgment)
- e. Motions to Modify Orders previously entered by the Family Court Commissioner
- f. Stipulated Final Divorce Hearings:
 - i. A stipulated final divorce hearing will not be scheduled until the following documents are filed with the court: An affidavit of service or admission of service; Marital Settlement Agreement (one document signed by all parties); Financial Disclosure Statements (one for each party)
- g. Any other matter delegated by the Circuit Court

- 6.04: De Novo Review - Eligibility: A decision of the Family Court Commissioner shall be reviewed by the assigned Circuit Court Judge upon a motion by a party for de novo review.
- a. A party is required to be present at the hearing in order to seek de novo review. A party who failed to appear at the hearing before the Family Court Commissioner is not entitled to a de novo hearing before the presiding Circuit Court Judge (see Wis. Stat. § 767.17).
 - b. The right to seek de novo review does not apply to written stipulations entered into between the parties.
 - c. Any decision entered by the Family Court Commissioner remains in effect until an order has been entered by the Circuit Court Judge after the de novo hearing.
- 6.05: De Novo Review – Time Limits: A party who wishes to have de novo review of a determination, order, or ruling of the Family Court Commissioner shall file a motion for a hearing de novo within 20 calendar days of the hearing.
- a. If the matter is taken under advisement (meaning no oral decision is made at the time of hearing) and a written determination, order, or ruling is entered by the Family Court Commissioner post-hearing, the motion for a hearing de novo shall be made within 20 calendar days of the date the determination, order, or ruling was mailed.
- 6.06: Matters to be heard by the Circuit Court: Unless specifically delegated to the Court Commissioner, the following matters shall be heard by a Circuit Court Judge:
- a. Post-judgment motions to modify custody, placement, child support or maintenance in divorce, legal separation, or annulment actions, pursuant to Wis. Stat. § 767.451 and 767.59.
 - b. Post-judgment motions to modify custody, placement, or child support in paternity actions, pursuant to Wis. Stat. § 767.451 and 767.59.
 - c. Motions and Orders to Show Cause for Contempt
 - d. Motions to Compel
 - e. Motions/Petitions for Visitation Rights of Certain Persons to Wis. Stat. § 767.43
 - f. Motions for Enforcement of Physical Placement Orders pursuant to Wis. Stat. § 767.471 (to be heard within 30 days of filing)
 - g. Motions to Relocate a Child's Residence pursuant to Wis. Stat. § 767.481

RULE 7: SMALL CLAIMS PRACTICE

7.01: Eviction Actions

a. Pleadings

- i. Eviction actions shall be commenced with the filing of a court-form Summons and Complaint, SC-500.
- ii. The Complaint shall identify the parties, the real property that is the subject of the action, and state the facts that authorize the removal of the defendant(s).
- iii. The following are required to be filed with the Complaint:
 1. A copy of any document(s) regarding termination of tenancy that was given to the defendant(s).
 2. A written statement as to how and when the Notice Terminating Tenancy was provided to the defendant(s).
 3. A copy of the written lease agreement OR, if there is an oral lease agreement, a written explanation of the agreement and its terms, including rental period and payment schedule.
- iv. The Court Commissioner is authorized, at the eviction return hearing, to dismiss any action that does not include the above documents. Alternatively, the Court Commissioner is authorized to adjourn the eviction return date to give the plaintiff an extension to file the required documents.

b. Date and time of hearing

- i. The Clerk of Courts shall add the date and time to appear on the Summons and Complaint documents, which shall be no more than 25 days from the date the Summons is issued.

c. Service

- i. It is the plaintiff's responsibility to have the Summons and Complaint served upon each defendant.
- ii. Service in eviction actions shall be by personal service as set forth at Wis. Stat. § 801.11.
- iii. Proof of service must be filed with the Clerk of Court's office.
- iv. A Declaration of Nonmilitary Service (Circuit Court form GF-175) must be filed in each case.

d. Appearance

- i. Both the plaintiff and defendant(s) must personally appear at the date and time set for hearing, which shall be the eviction return hearing date.

- ii. An attorney representing a party may appear on behalf of the party at the eviction return hearing.

e. Eviction Return Hearing

- i. If the plaintiff does not appear, the case shall be dismissed, without prejudice and without costs to any party.
- ii. If the defendant does not appear, and the plaintiff has met all requirements regarding pleadings and service, a default judgment shall be entered by the Court Commissioner.
- iii. If the defendant appears and the Court Commissioner determines there are valid legal grounds for a contest, the matter shall be scheduled for a hearing with the Circuit Court Judge assigned. This hearing shall occur within 30 days of the eviction return hearing.
- iv. If the defendant appears and the Court Commissioner determines that there are no valid legal grounds for a contest, the Court Commissioner shall make a decision based on the facts presented at the return hearing.

f. Commissioner's Decision

- i. A default judgment of eviction shall have immediate effect.
- ii. If a defendant is present at the eviction return hearing and the Court Commissioner decides that the plaintiff is entitled to a judgment of eviction, the decision shall become a judgment 11 days after the eviction return hearing.
- iii. The Court Commissioner shall provide all defendant(s) present with notice of an election to have the matter heard by the Circuit Court Judge assigned.

g. Writ of Restitution

- i. The plaintiff may request a Writ of Restitution with the Clerk of Courts by completing a form and paying a \$5 fee. Electronic filers may request the Writ of Restitution electronically.
- ii. No Writ of Restitution shall be provided to the Columbia County Sheriff's Department until the Judgment of Eviction is entered as set forth in (f) above.

h. Damages

- i. If either party believes the other party owes money, a written request for a hearing on monetary damages shall be made within 90 days of the return hearing. If the request is not made and filed with the Clerk of Courts within 90 days of the return hearing, a damages hearing will not be scheduled.

7.02: Replevin Actions

a. Pleadings

- i. Replevin actions shall be commenced with the filing of a court-form Summons and Complaint, SC-500.
 - ii. The Complaint shall identify the parties, the property that is the subject of the action, and state the facts that authorize the return of the property to the plaintiff.
- b. Date and time of hearing
 - i. The Clerk of Courts shall add the date and time to appear on the Summons and Complaint documents.
- c. Service
 - i. It is the plaintiff's responsibility to have the Summons and Complaint served upon each defendant.
 - v. Service in replevin actions shall be by personal service as set forth at Wis. Stat. § 801.11.
 - ii. Proof of service must be filed with the Clerk of Court's office.
 - iii. A Declaration of Nonmilitary Service (Circuit Court form GF-175) must be filed in each case.
- d. Appearance
 - i. Both the plaintiff and defendant(s) must personally appear at the date and time set for hearing, which is the replevin return hearing date.
 - ii. An attorney representing a party may appear on behalf of the party at the replevin return hearing.
- e. Replevin Return Hearing
 - i. If the plaintiff does not appear, the case shall be dismissed, without prejudice and without costs to any party.
 - ii. If the defendant does not appear, and the plaintiff has met all requirements regarding pleadings and service, a default judgment shall be entered by the Court Commissioner.
 - iii. If the defendant appears and the Court Commissioner determines there are valid legal grounds for a contest, the matter shall be scheduled for a hearing with the Circuit Court Judge assigned. This hearing shall occur within 30 days of the replevin return hearing.
 - v. If the defendant appears and the Court Commissioner determines that there are no valid legal grounds for a contest, the Court Commissioner shall make a decision based on the facts presented at the return hearing.
- f. Commissioner's Decision

- i. A default judgment of replevin shall have immediate effect.
- ii. If a defendant(s) is present at the replevin return hearing and the Court Commissioner decides that the plaintiff is entitled to a judgment of replevin, the decision shall be a judgment 11 days after rendering.
- iii. The Court Commissioner shall provide all defendant(s) present with notice of an election to have the matter heard by the court.

g. Writ of Replevin

- i. The plaintiff may request a Writ of Replevin with the Clerk of Courts by completing a form and paying a \$5 fee. Electronic filers may request the Writ of Replevin electronically.
- ii. No Writ of Replevin shall be provided to the Columbia County Sheriff's Department until the Judgment of Replevin is entered as set forth in (f) above.

h. Damages

- i. If either party believes the other party owes money, a written request for a hearing on monetary damages shall be made within 90 days of the return hearing. If the request is not made and filed with the Clerk of Courts within 90 days of the return hearing, a damages hearing will not be scheduled.

7.03: Money Judgments

a. Pleadings

- i. Civil actions where the amount claimed is \$10,000 or less shall be commenced with the filing of a court-form Summons and Complaint, SC-500.
- ii. Tort/personal injury actions where the amount claimed is \$5,000 or less.
- iii. The Complaint shall identify the parties and all relevant facts regarding why money is due from the defendant(s) to the plaintiff(s)

b. Service

- i. It is the plaintiff's responsibility to have the Summons and Complaint served upon each defendant.
- ii. Service shall be by personal service as set forth at Wis. Stat. § 801.11.
- iii. Proof of service must be filed with the Clerk of Court's office.
- iv. A Declaration of Nonmilitary Service (Circuit Court form GF-175) must be filed in each case.

c. First return hearing before Clerk of Court

- i. The Clerk of Courts shall add the date and time to appear on the Summons and Complaint documents.

- ii. The first hearing shall be a return hearing before the Clerk of Court's Small Claims clerk.
- iii. If a written answer is filed by the Defendant and a copy of the written answer is provided to the Plaintiffs, this return hearing before the small claims clerk shall be removed.
- iv. If the return hearing occurs, personal appearance by all parties is required.
- v. If the defendant does not appear, a default judgment shall be entered.
- vi. If the plaintiff does not appear, the case shall be dismissed, without prejudice.
- vii. If both parties appear and the claim is disputed by the defendant(s), the matter shall be set for a trial before the Court Commissioner.

7:04: Small Claims Dismissals: If the Plaintiff does not serve the Defendant(s) with a file-stamped copy of the Summons and Complaint within 90 days of filing, the case shall be dismissed.

7:05: Initiation of calls for telephone proceedings: Unless the court otherwise directs, all telephone conferences and telephone testimony shall be initiated by the party requesting the telephone conference or telephone testimony.

RULE 8: CRIMINAL LAW PRACTICE

8.01 **Defendant's Appearance:** In criminal cases, a defendant shall appear personally in all matters, unless otherwise excused.

- a. In misdemeanor and criminal traffic cases, an attorney may appear on the defendant's behalf if the defendant has signed and filed an authorization prior to the hearing. This does not apply when the matter is set for a plea, or the notice otherwise requires the defendant to appear in person.

8.02: **Remote Appearances:**

- a. The Court, in its discretion, may allow remote appearances in lieu of in-person appearances. The Notice of Hearing will state whether a hearing is scheduled to occur via video or telephone conferencing.
- b. All requests for remote appearance must be submitted as required in Local Rule 5.02a.
- c. Remoted appearances shall not be permitted for initial appearances as set forth below.

8.03: **Out-of-custody Initial appearances:**

- a. Remote appearances shall not be permitted for attorneys or parties during initial appearances when the defendant is out of custody.
- b. In misdemeanor cases, if an authorization is filed before the date and time set for the initial appearance, the attorney may appear on behalf of the defendant.
- c. If the defendant is not physically present for the initial appearance, he or she must return their signed bond form to the Clerk of Courts within 10 days of the initial appearance. If the bond form is not signed and provided within 10 days of the initial appearance, a warrant will issue.

8.04: **Preliminary Examinations:** Preliminary Examinations shall be held before the Court Commissioner unless the Judge assigned to a particular case directs otherwise.

- a. If the defendant is bound over for trial at the conclusion of the preliminary examination, the State, whenever possible will file the information, and arraignment shall occur at that time.

8.05: **Motions Before Trial**

- a. Unless otherwise ordered by the assigned judge, all motions must be filed with the Court in conformance with the statutes but, in any event no later than sixty (60) days after arraignment, and must be scheduled to be heard prior to trial. Absent good cause, no motion will be scheduled for hearing prior to it having been filed in writing with the Court.
- b. Absent Court approval, a movant's brief must not exceed 25 pages, a responding brief must not exceed 25 pages, and a reply brief must not exceed 10 pages (excluding any caption, cover page, table of contents, table of authorities, and signature block). The

Court may disregard any briefs exceeding the permitted length, or ones that contain non-standard typeface or margins to avoid compliance with this rule.

8.06: Plea Agreements: Any plea agreement must be finalized no later than the final plea hearing preceding the jury trial.

- a. No plea agreement will be accepted on or after the deadline set out above except under extraordinary circumstances, and with specific permission of the Court.
- b. Except for Drug Treatment Court resolutions, if a defendant wishes to enter a global plea for multiple cases, a request must be sent to all judges assigned to each case which will be disposed of and the defendant must schedule the plea with the judge assigned to the oldest open criminal case.
- c. All Drug Treatment Court pleas must be held in front of the Columbia County Adult Drug Treatment Court ("CCADTC") Judge. If a defendant is denied participation, or terminated from the CCADTC, the case shall be returned to the originating branch, or reassigned to a branch other than the CCADTC branch.
- d. Violation of these rules may result in the Court imposing any and all sanctions authorized by law and by the inherent power of the Court. Those sanctions can include, but are not limited to, assessing the full costs of a jury panel, including mileage, against either or both parties, or their counsel.

8.07: Trial Practice

- a. During jury trials, objections to questions or evidence shall be made solely by stating: "objection" and the succinct legal ground therefore [i.e., relevancy, hearsay, etc.] without argument or elucidation. Responses from opposing counsel are to be made only upon a request to be heard and leave of the presiding judge.
- b. All witness examinations shall be conducted from counsel table unless otherwise permitted by the judicial official hearing the matter.
- c. During jury trials, all opening statements or closing argument may be made either from the counsel table or from the podium.

8.08: Withdrawal of Counsel

- a. Attorneys will not be allowed to withdraw from a case without the consent of the assigned judge. Consent will be given only upon a proper showing of cause and the presentation of a written order allowing said withdrawal.
- b. All requests by the State Public Defender to withdraw from criminal traffic, misdemeanor, and felony cases shall be done by motion unless otherwise allowed by Court policy. Except where required by law, counsel will not be permitted to withdraw if scheduled proceedings will be delayed.

8.09: Omissions of Mandated Actions: In those cases where the record is silent regarding certain statutorily mandated actions related to an offense for which a defendant has been convicted, the clerk of court shall notify the court where the defendant was convicted of the omission in the record and that the clerk intends to address compliance with the statutory mandate by taking any of the following steps necessary to:

- a. Revoke or suspend driving privileges including for the applicable minimum revocation or suspension, unless the court orders otherwise.
- b. Require an alcohol and other drug abuse assessment.
- c. Assess any domestic abuse surcharge or sample, if applicable.
- d. Assess any DNA surcharge or sample, if applicable.
- e. Assess any restitution surcharges ordered by the court
- f. Assess all other mandatory costs, fees or surcharges.

RULE 9: PROBATE PRACTICE

9.01: Probate

- a. Personal Representative
 - i. Only Wisconsin residents may be appointed as Personal Representative of an estate, with the following exceptions: non-residents may be appointed at the discretion of the court, if the nominated non-resident has a Wisconsin resident appointed co-personal representative; has retained a Wisconsin attorney; or posts bond in an amount determined by the court.
- b. Notice to Creditors
 - i. It is the responsibility of a petitioning party to deliver the Notice to Creditors to the proper newspaper for publication.
- c. Claims Filed
 - i. The office of the Register in Probate shall return a claim filed when there is no pending probate file. In all cases when a probate matter is pending, a claim shall be accepted for filing regardless of the timeliness, form, or nature of the claim.
- d. Filing of Final Account
 - i. Filing of a final account in an informal action is required, unless all residual beneficiaries/heirs-at law have received a copy of the final account and waive the filing of the final account.
- e. Summary Assignments and Summary Settlements
 - i. Proof of Heirship must be filed with all opening documents for Summary Assignment and Summary Settlement proceedings.
- f. Special Administration
 - i. Special administration proceedings will be granted at the discretion of the judge with or without a hearing for specific powers.
- g. Wills
 - i. Only original wills will be accepted for filing with the court. If the original is not available, pursuant to Wis. Stat. 856.17, a copy may be filed.
 - 1. Wills of a decedent which will not be subject to probate proceedings shall be filed and shall be accompanied by a Declaration of No Probate or a letter stating the decedent's date of birth, date of death and address at time of death.
 - 2. Objections for admission of the will or appointment of the personal representative shall be in writing accompanied by the statutory filing fee. When the objection is filed, the Probate Court shall assign the case to a Judge

at random draw. The objector or attorney shall send notice of the objection to all interested parties. A notice of hearing will be sent to the interested parties from the court.

9.02: Guardianship

a. Guardian ad Litem

- i. A guardian ad litem deposit shall be required to be paid by the petitioning party to the Register in Probate Office at the time of the filing of a petition or as ordered by the court in an adult guardianship or minor estate guardianship case not filed by the County.

b. Guardians of Person and Estate

- i. Proposed guardians of the estate/proposed conservators who are not a resident of the state of Wisconsin shall file a surety bond in an amount determined by the Court prior to their appointment as guardian of the estate/conservator.
- ii. Guardians of the Estate shall obtain prior written court approval for any expenditure of guardianship assets exceeding \$500.00 for estates under \$50,000.00 or 1% of the Ward's assets for estates over \$50,000.00. The Court may grant continuing payment for recurring expenses upon review. This requirement excludes necessary medical expenses and monthly housing or nursing home expenses.
- iii. A guardian of estate/conservator shall not commingle any of the ward's assets with assets belonging to the guardian of the estate, guardian of the person, the conservator, or any other third party.
- iv. Request to Waive Annual Accounting
 1. A guardian of the estate, who is not a corporate guardian, may request that a ward's accounting be waived only if each of the following criteria are met as of December 31st of the year for which a waiver is sought:
 - a. The guardian of estate/conservator has been appointed for 12 months or more and submitted an annual account for a full calendar year on at least one occasion.
 - b. The Ward's total assets do not exceed \$2,000.00. Under this provision, a Ward's "assets" do not include the following:
 1. Burial trusts
 2. Wispact trusts
 3. A second social security deposit made in December of the year for which a waiver is requested that is intended to be social security income for January of the following year.

2. All account waivers must be requested on the designated Register in Probate Office Court Form and include the following attachments:
 - a. Proof of the Ward's total income for the year the waiver request is submitted for.
 - b. A bank statement for the month of December for each account holding the Ward's assets for the year the waiver is being requested.
3. Any waiver received by the Columbia County Probate Office after February 15th will be denied and the guardian of the estate will be required to prepare a full accounting of their Ward's Income and expenses.
4. The Court shall have the discretion to deny any waiver it deems inappropriate for any reason and require the guardian of the estate to file an annual account at any time.

RULE 10: JUVENILE PRACTICE

10.1: Minor Guardianships

- a. Emergency, Temporary, Limited and Full Guardianship Petitions for the same child must be filed separately as independent cases.
- b. Guardian ad Litem
 - a. A guardian ad litem deposit shall be required to be paid by the petitioning party to the Register in Probate Office at the time of the filing of a petition or as ordered by the court in an adult guardianship or minor estate guardianship case not filed by the County.

10.3: Termination of Parental Rights (TPR) and Adoption

- a. A petition other than one filed on behalf of Columbia County or the State of Wisconsin will not be heard by the court unless a stepparent adoption or agency adoption petition accompanies the petition.
- b. An agency home study shall be submitted prior to the Adoption hearing.
- c. Private petitioners are required to pay a guardian ad litem deposit to the Register in Probate Office at the time of filing or as ordered by the court. If the fees of the GAL exceed the amount of the deposit, the court will make an order for reimbursement when the final bill of the GAL is received.

RULE 11: TRAFFIC/ORDINANCE PRACTICE

- 11.01: Neither requests to reschedule nor remote appearances shall be permitted for the initial appearance in traffic/civil ordinance cases.
- 11.02: Requests for a jury trial and payment of the jury fee shall be made within ten days after the defendant enters a plea of not guilty.
- 11.03: A "not guilty" plea to a traffic citation or forfeiture citation must be filed by the date and time set for initial appearance.
- 11.04: When a not guilty plea is timely entered, the matter will be set for a pre-trial conference with the District Attorney's office. The court shall send the notice of the pre-trial conference to the defendant.
- 11.04: If the defendant fails to participate in the scheduled pre-trial conference, default judgment shall be entered.
- 11.05: If the court grants a motion to reopen a traffic citation or forfeiture citation, the court may require a motion to reopen fee.
- 11.06: Traffic school: A defendant who has a first offense traffic citation and is under 19 and still in high school or pursuing post-secondary education is eligible to attend traffic school. Upon proof of completion of traffic school within 6 months of the initial appearance, their citation shall be amended or dismissed. In the event proof of completion of traffic school is not filed with the Clerk of Courts within 6 months of the date of initial appearance, a default judgment on the original citation shall be entered.
- 11.07: Underage Alcohol Possession or Consumption: All convictions for underage alcohol possession or consumption come with a mandatory 90 day driver's licenses suspension.

A first-time offender will be given the opportunity to attend and successfully complete the CESA 5 JUDO (Juvenile Underage Drinking Offenders) Class. A first-time offender who completes the class will avoid the penalty of the drivers' license suspension.

A second-time offender shall complete an AODA assessment in order to avoid the penalty of the driver's license suspension.