

LA CROSSE COUNTY CIRCUIT COURT RULES

PART 1: PUBLICATION AND REVISION OF CIRCUIT COURT RULES

- 100 Effective March 6, 1995
- 101 Court rules, prior to adoption or revision, shall be presented at two (2) successive meetings of the La Crosse County Circuit Judges. This requirement and rule 102 may be suspended for good cause upon the order of all La Crosse County Circuit Judges. (2/10/89)
- 102 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 President and Secretary of the La Crosse County Bar Association at least thirty days prior to formal adoption. (2/10/89)
- 103 Notice of proposed rules as described in Secs. 101 and 102 shall constitute sufficient public notice. (2/10/89)
- 104 Rules shall be adopted by written order of a majority of La Crosse County Circuit Judges, subject to approval of the Chief Judge. The clerk of court shall send a copy of the filed adopted or amended rule to the secretary of the local bar association, the district court administrator, the State Bar of Wisconsin, the State Law Library and the Office of the Director of State Courts. (2/10/89) (AMENDED 2/6/95)
- 105 Orders adopting rules shall specify an effective date. (2/10/89)
- 106 Insofar as these rules are in conflict with any existing court rule or order, these rules supersede such rule of order. (2/10/89)
- 107 These rules are intended to supplement, not supersede, state statutes and Supreme Court Rules. Rules that conflict with state statutes or Supreme Court rules, in whole or in part, will not be enforced except to the extent that their partial enforcement would not constitute a conflict. (3/1/19)

PART 2: CLOSURE OF PROCEEDINGS

- 200 Effective February 1, 1989
- 201 Unless good cause for a shorter time period 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 in writing, if possible, 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 good cause why the proceedings should not be public as required by the statute. (2/10/89)

PART 3: CASE PROCESSING TIME GUIDELINES

300 Effective February 1, 1989

301 The following case processing time guidelines are for the processing of cases and are designed to provide a guide to the judiciary and bar. Unless otherwise indicated, the guidelines represent the time period from filing to final disposition. (2/10/89)

Misdemeanor.....(from initial appearance if in custody)	2 months
(if not in custody)	3 months
Felony.....(from initial appearance)	6 months
Traffic & Ordinance.....(from initial appearance)	4 months
Personal Injury/Property Damage.....	18 months
Contract/Money Judgments.....	12 months
Divorce.....	12 months
Estates.....	18 months
Small Claims	3 months
Child support.....	6 months
Paternity-contested.....	12 months
Paternity-uncontested.....	6 months

302 It will be the practice of the court to schedule every case for a next action or review date at every state in the life of the case. (2/10/89)

303 In the event of case consolidation the cases shall be heard by the judge with the lowest case number. (3/3/95)

304 It has become evident to the court that many attorneys are using their opportunity for voir dire examination to unduly visit with and establish rapport with prospective jurors. Such conversation with prospective jurors is not a legitimate inquiry into the juror's qualifications or whether the juror is indifferent in a particular case. (Sec. 805.08(1) Wis. Stats.) Such conversation unduly lengthens the jury selection process.

Therefore, the court orders that attorney examination of prospective jurors shall be no more than 20 minutes for each attorney in order that the focus of attorney inquiry be in accordance with Sec. 805.08(1). Such 20 minutes shall not include any individual voir dire examination.

This order may be modified by the trial judge in particular cases when the circumstances of a particular case and the interest of justice requires a more lengthy attorney voir dire examination. Any such lengthened attorney voir dire examination requested by a party shall be by written motion made and heard by the court at least 15 days prior to the date scheduled for jury selection. (4/5/02)

PART 4: **RULES OF DECORUM**

- 400 Effective February 1, 1989
- 401 Court shall be formally opened each day in which court business is transacted either by the bailiff or the Clerk of Court. (2/10/89)
- 402 As the judge enters the courtroom, the bailiff or Clerk of Court shall require all present to rise and stand. When the judge has reached the bench, the bailiff or Clerk of Court shall say, "All rise, The Circuit Court for La Crosse County is now in session, the Honorable _____ (name of judge) presiding. Silence is commanded." All shall be seated and the business of court shall proceed. (2/10/89)
- 403 Repealed (1/2/14)
- 404 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, or in a standard to the right of the judge. (2/10/89)
- 405 Lawyers shall never lean upon the bench or appear to engage the court in a manner which would lessen the dignity of the proceedings in the eyes of the jury and public. (2/10/89)
- 406 Repealed (1/2/14)
- 407 When a lawyer or party is addressing the jury, the lawyer shall not crowd the jury box. (2/10/89)
- 408 During the examination of jurors on voir dire, the lawyer or party conducting the examination shall, insofar as practical, use collective questions, avoid repetition and seek only material information. (2/10/89)
- 409 During court proceedings, no lawyer or party shall exhibit familiarity with witnesses, jurors or opposing counsel and generally the use of first names shall be avoided. In jury arguments, no juror shall be addressed individually or by name. Strict adherence to this rule is required (2/10/89) (AMENDED 2/6/95)
- 410 Lawyers and court officers shall, while in attendance upon the court, be attired in such a manner as not to lessen the dignity of the court or of proceedings in the eyes of the jury and public. (2/10/89)
- 411 Lawyers shall advise their clients and witnesses of the formalities of the court and seeking their full cooperation therewith. It is expected that lawyers will guide clients and witnesses as to appropriate attire. (2/10/89)
- 412 Lawyers shall examine witnesses with courtesy and respect, and a witness' good faith should be presumed until the contrary is evident. (2/10/89)
- 413 Repealed (1/2/14)

- 414 In jury cases which are disposed or upon a motion for dismissal or directed verdict, the judge in dismissing the jury shall briefly explain the procedure and why a verdict was necessary. (2/10/89)
- 415 The judge shall wear a robe while presiding on the bench, provided that judicial discretion may be exercised otherwise in proper situations. (2/10/89)
- 416 There shall be no unnecessary conversation, loud whispering, or other distracting activity by anyone in the courtroom or in the hallways on the court floor(s) while court is in session. There shall be no newspaper or magazine reading in the courtroom. Tobacco in any form shall not be used in the courtroom. (2/10/89) (AMENDED 2/6/95)
- 417 The judge shall at all times safeguard the rights of the parties and the interests of the public. The judge shall be dignified, courteous and considerate of the parties, attorneys, jurors and witnesses. The judge shall suppress personal predilections, control temper and emotions and avoid conduct which tends to demean the proceedings or to undermine judicial authority in the courtroom. (2/10/89)
- 418 The judge shall be punctual in convening court and prompt in the performance of judicial duties, recognizing the time of litigants, jurors and attorneys is valuable and that lack of punctuality creates dissatisfaction with the administration of justice. (2/10/89)
- 419 Attorneys are officers of the court and should at all times uphold the honor and maintain the dignity of their profession and maintain a respectful attitude toward the court. (2/10/89)
- 420 Attorney's conduct before the court and with other counsel should be characterized by candor and fairness. All personality conflicts between attorneys and colloquies between attorneys should be avoided. (2/10/89)
- 421 Attorneys shall, insofar as possible, refrain from interrupting each other, speaking at the same time, or arguing between themselves, thus assisting in making a proper record. Attorneys should instruct their witnesses to testify slowly and clearly so that the court and the jury can hear their testimony, and should caution witnesses not to chew anything while testifying. (2/10/89)
- 422 In jury trials, lawyers shall examine witnesses from the lectern except when handling exhibits. A lawyer may approach the witness with approval from the court, but in no case shall a witness be crowded during examination. If it is necessary to discuss some question out of the hearing of the jury at the bench, the attorney may so indicate to the court and if invited, approach the bench for that purpose. (2/10/89) (AMENDED 1/9/04, 1/2/14)
- 423 Unless excused by the judge, after the jury has retired to deliberate upon a verdict, the attorneys and all necessary parties shall remain available at all times during the deliberations of the jury and when the verdict is received. (2/10/89) (AMENDED 1/2/14)
- 424 The clerk of court shall be in charge of all case records and files, and shall be

- responsible for courtroom administration, including the feeding, housing and transportation of the jury when required. (2/10/89)
- 425 The clerk of court shall have the duty to see that each witness is sworn and that the oath is administered in a manner calculated to impress the witness with the importance and solemnity of the oath taken. (2/10/89) (AMENDED 1/2/14)
- 426 Witnesses, when sworn, should stand near the bench or the witness stand. After the witness is sworn, the clerk shall direct the witness to give the reporter his or her full name, and request the witness to spell his or her surname. The witness should then be seated. (2/10/89)
- 427 When a jury has been selected and is to be sworn, the clerk of court shall request the jurors to rise while the jurors' oath is being administered. (2/10/89)
- 428 It shall be the duty of the bailiff to maintain order at all times as litigants, witnesses and the public assemble in the courtroom, during the progress of the trial and during recess of the court. This includes the duty to admit persons to the courtroom and direct them to seats, and to refuse admittance to the courtroom in such trials where the courtroom is occupied to its full seating capacity. (2/10/89)
- 429 It shall be the duty of the bailiff to take charge of and supervise the jury during the course of a trial, during court recesses, and during time of jury deliberation, to assure that no unauthorized persons come into contact with members of the jury. If such an attempt is made, the bailiff shall notify the judge at once. During sequestered trials, the bailiffs shall take the foregoing precautions on a 24 hour a day basis. (2/10/89)
- 430 The bailiff shall assist jurors as necessary with personal problems if they arise, and shall inform the judge of any unusual problems of jurors which should be called to his or her attention. (2/10/89)
- 431 The bailiff shall at no time discuss with the jurors, litigants, witnesses or attorneys any issues involved in the trial, nor make any effort to assist the jurors in their deliberations. (2/10/89)
- 432 Proper decorum shall be displayed in the courthouse at all times. Conference rooms should be used for all discussions. (2/10/89) (Amended 1/2/14)
- 433 Attorneys and clients are expected to be in the courtroom on the date and time scheduled. If they are not in the courtroom, the court in its discretion may allow the case to proceed, be dismissed or moved to the end of the calendar on the date and time scheduled. Attorneys with time conflicts in other courts are expected to notify the court of such conflicts at the earliest possible date. (2/10/89) (AMENDED 2/6/95)
- 434 Attorneys are required to have their calendars with them in court so that dates can be set in the courtroom when possible. In the event that an attorney does not have his or her calendar in court, a date will be set in accordance with the judge's calendar. (2/10/89) (moved from civil sec.)

435 All matters to be set on for any hearing before the court shall include in the Notice of Hearing the length of time the Court has allotted to hear the matter. This time frame will have been obtained from the appropriate Judge's judicial assistant prior to such notice being sent out. Upon receipt of said notice, should opposing counsel believe that the time allotted is insufficient to complete the matter before the court, counsel shall immediately contact the Court and opposing counsel to reschedule the matter for an appropriate length of time.

If no length of time is included in the notice, the matter will not be heard. Except in unusual circumstances no matter will be allowed to proceed past the final time frame allotted. (2/6/95)

436 In order to preserve impartiality and fairness in all judicial proceedings, all email correspondence regarding cases before the court shall be addressed and sent to the appropriate judge's judicial assistant, and not to the judge directly.
(Effective 5-5-09)

PART 5: **CIVIL PRACTICE**

500 Effective February 1, 1989

501 Within 145 days of filing, all civil cases will be reviewed for service and answer. If at that time it is found that a case has not reached issue, a dismissal order or default proceeding shall be initiated by the court.
(2/10/89) (AMENDED 8/24/98)

502 A motion for summary judgment shall comply with Wisconsin Statutes Sec.802.08 unless the court scheduling order provides differently. (2/6/95)

503 Except as to mortgage foreclosures, no notice of defendant is required prior to entry of a default judgment in large claim civil actions. (2/10/89)

504 Unopposed Mortgage Foreclosures:

- 1) On motions for default judgment, summary judgment or confirmation of sale, it will not be necessary to appear on the date set for hearing and the court will sign the appropriate Order or Judgment, if there is no appearance in opposition. If there is an opposing appearance, the matter will be continued to provide for appearance by movant.
- 2) Notice of hearing must be given to all interested parties; proof of service must be filed prior to hearing date.
- 3) Affidavits of default or in support of summary judgment must clearly set forth period of default, amount of default and full amount of interest, principal, late charges, etc. due on hearing date. Any additions to principal must be fully supported by proof of appropriate affidavit.
- 4) Original note and mortgage must be attached to affidavit of default or in support of summary judgment.
- 5) Pleadings and affidavits of default or support of summary judgment must clearly set forth the factual basis for the application of Sec. 846.101, 846.102 or 846.103 Wis. Stats. and set forth which statute section

applies. (2/10/89)

504A

- 1) In all **owner-occupied** residential foreclosure actions filed in La Crosse County after the effective date of 12/15/2011, the plaintiff shall attach to the Summons and Complaint served on the defendant/homeowner the following forms: 1) Notice of Availability of Mediation and 2) Application for Mediation. **This requirement shall not apply if the parties have attempted mediation pursuant to the terms of this rule prior to filing of the action. If a Plaintiff moves for Default or Summary Judgment in an owner-occupied residential foreclosure, the supporting Affidavit shall include a statement indicating compliance with this rule.** (Amended 8/1/13)
- 2) Forms, which shall be printed on yellow paper, can be downloaded from the Wisconsin Foreclosure Mediation Network website, <http://mediatewisconsin.com/> or may be obtained from the La Crosse County Clerk of Court office directly or via its website, <http://www.co.la-crosse.wi.us/Departments/Court/docs/CircuitCtRules.htm>
- 3) Upon the Clerk of Court's receipt of the Application for Mediation and a non-refundable fee in the amount of \$150.00 from the homeowner, the Clerk will forward the application and payment to the Program Administrator and notify the Court. The Court will issue an Order of Stay until conclusion of mediation, but may waive the mediation requirement for cause and upon request of a party. The Program Administrator will invoice Lender's counsel for the non-refundable fee in the amount of \$150.00. All housing counseling agencies must be a licensed credit counseling service listed by the Wisconsin Department of Financial Institutions and approved as a housing counseling agency through the U.S. Department of Housing and Urban Development.
- 4) The procedures and deadlines for the mediation process shall be set by the Program Administrator and are available from the Wisconsin Foreclosure Mediation Network website, <http://mediatewisconsin.com/> or may be obtained from the La Crosse County Clerk of Court office directly or via its website, <http://www.co.lacrosse.wi.us/Departments/Court/docs/CircuitCtRules.htm>. Any changes to the procedures and deadlines for the mediation process may be made by the Program Administrator subject to notification to the La Crosse County Circuit Court judges prior to the implementation of such changes.
- 5) The Program Administrator shall appoint a mediator from a list approved by the Circuit Court judges. To be eligible, mediator must have completed a training session conducted through the Wisconsin Foreclosure Mediation Network, or its predecessor, the Metro Milwaukee Foreclosure Mediation Program. Upon such time as the mediation process is concluded, the Court will lift the stay and further proceedings as appropriate may be scheduled.
(Amended 8/1/13)

- 505 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. (2/10/89)
- 506 Payments for foreclosures, warrants, suspensions, cash bonds, and non-sufficient fund checks may only be made by certified check, money order or cash. (10/8/99)
- 507 All requests for continuance shall be in writing with the signed consent of the parties, not the attorneys, or on the record with the parties present and must be for good cause shown. All requests for continuance are subject to approval of the court. (2/10/89)
- 508 All complaints concerning consumer credit transactions must follow the guidelines and format set forth in the Consumer Credit Complaint Checklist document, which will be published at:
<http://www.co.la-crosse.wi.us/Departments/Court/docs/ConsumerCreditComplaintChecklist>
The headings and information within the consumer credit complaint must be structured in accordance with the arrangement and organization of the Checklist. The court will use this Checklist in its determination of the sufficiency of all consumer credit complaints. (2/16/10)

PART 6: CRIMINAL LAW PRACTICE

- 600 Effective February 1, 1989
- 601 Motions for consolidation shall be accompanied by the La Crosse County motion for consolidation and order form or in a format that is substantially consistent with said form. Whenever cases are consolidated they shall be assigned to the court assigned to the case with the earliest filing date. If there is a felony case involved, the cases shall be assigned to the court with the lowest numbered felony case. Only the consent of the judge with the lowest numbered felony case or if a felony is not part of the case, the case with the earliest filing date is required. All consolidated files must be before the consenting judge at the time of the plea. Consolidations, plea agreements and rights forms must be signed prior to the time a case is called in court or the case will be rescheduled to a later date. (2/10/89) (AMENDED 2/6/95) (AMENDED 1/9/04) (AMENDED 12/15/09)
- 602 All requests for continuance are subject to the approval of the court. If a continuance is granted, the reason for the continuance shall be entered into the record. (2/10/89) (AMENDED 1/2/14)
- 603 Repealed (1/2/14)
- 604 Revocation of diversion agreements are to be made before the intake court judge. If revoked, felony cases are to be referred to the judge who approved the diversion agreement for conviction and sentencing. (2/6/95) (AMENDED 1/9/04)

605 When an attorney is appointed, by the court, to represent a defendant, the attorney shall promptly prepare and forward to the appointing judge for signature, an order appointing the attorney in the matter.

At the time of disposition, it will be the obligation of the attorney to advise the court he/she was appointed; the amount of the billing and whether or not the defendant has made any payments on the bill.

606 PLEA AGREEMENT

This rule shall govern all plea negotiations and any plea agreements, in criminal cases, on or after the effective date of this rule.

- A. Both counsel are equally responsible for initiating plea discussions at the earliest practical time.
- B. Any plea agreement must be finalized no later than noon on the Wednesday before jury selection.
- C. If a plea agreement is reached, the plea must be taken on or before noon on the Friday before jury selection.
- D. 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.
- E. Violation of this rule 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. (9/1/2000)

PART 7: SMALL CLAIMS PRACTICE

700 Prior Version Effective February 1, 1989. Current Version Effective March 15, 2020.

Rule 701. [Service in Small Claims]

La Crosse County by this rule authorizes the service of summons in all small claims actions, except eviction actions, by Registered, Certified, or First Class Mail in lieu of personal or substituted service only in La Crosse County.

When the Defendant is a non-resident, service must be by personal or substituted service except in eviction actions. For purposes of this rule, non-resident means an individual residing outside of La Crosse County.

Rule 702. [Guidelines for Complaints Regarding Consumer Credit Transactions]

All complaints concerning consumer credit transactions must follow the guidelines and format set forth in the Consumer Credit Complaint Checklist document, which will be published at: <http://www.co.la-crosse.wi.us/Departments/Courts/docs/ConsumerCreditComplaintChecklist>. The headings and information within the consumer credit complaint must be structured in accordance with the arrangement and organization of the Checklist. The court will use this Checklist in its determination of the sufficiency of all consumer credit complaints.

Rule 703. [Return Day Appearances]

Both parties to a small claims action must appear on the return day or a default judgment or dismissal with prejudice will be granted as appropriate.

If there is more than one Plaintiff or Defendant, all of them must appear.

A party to a small claims action may appear by proxy, as detailed in Rule 703A.

Non-resident Defendants may appear by answering mail before the Return Date.

Rule 703A. [Appearance in Small Claims Cases]

In all small claims cases, those who may appear are as follows:

1. The person named as Plaintiff or Defendant.
2. An Attorney on behalf of the named Plaintiff or Defendant.
3. One spouse may appear on behalf of another spouse as long as their interests are not adverse.
4. Guardians may appear for the ward.
5. An authorized employee of a person may appear on that person's behalf.
6. An authorized employee of a corporation may appear on that corporation's behalf.
7. Person with written authorization, signed by the named party and including express reference to the case, may appear on behalf of the party at the initial hearing only.

The following may not appear in small claims cases:

1. One roommate on behalf of the other roommates, unless authorized in writing to appear at an initial hearing under Rule 703A (7).
2. Paralegals of other employees of a law firm in lieu of a party's attorney unless the attorney or the law firm is a party.

Rule 704. [Answer Due Date]

Each Defendant who is a party to a small claims action, except eviction actions, must file a written answer by 10:00 am on the Return Date or a default judgment, with prejudice, may be entered against the Defendant.

In eviction actions, each Defendant must file a written answer no later than 4:30 pm on the Monday following the Return Date or a default action, with prejudice, may be entered against the Defendant.

An answer filed by mail is deemed filed on the date it is received by the Clerk of Courts.

Rule 705. [Authority to Negotiate]

In all small claims cases and mediation sessions, negotiating parties must be persons with the authority to negotiate in good faith.

Rule 705A. [Persons Authorized to Negotiate]

For the purposes of small claims mediation, persons with the authority to negotiate in good faith are:

1. Parties named in the complaint;
2. Attorney(s) for the parties named in the complaint;
3. One spouse may negotiate on behalf of another spouse as long as their interests are not adverse;
4. Guardians may negotiate on behalf of the ward;
5. An authorized employee of a person may negotiate on that person's behalf;
6. An authorized employee of a corporation may negotiate on the corporation's behalf, and;
7. Persons with written authorization, signed by the named party and including express reference to the case to be mediated, may negotiate and settle on the party's behalf.

Rule 706. [Mediation Required]

Mediation is required in all small claims cases before a trial will be scheduled. In all small claims cases in which both parties appear pro se in person and all eviction cases, regardless of attorney representation, the parties will mediate on the Return Date.

In all other cases, including but not limited to cases in which a non-resident appears by answering mail, the Plaintiff will be responsible for requesting a mediation hearing. Any defendant failing to appear at mediation may have default judgment entered against them. Any plaintiff failing to appear at mediation may have their case dismissed.

Rule 706A. [Mediation Scheduling]

A Plaintiff who is a party to a small claims action must schedule mediation with the court mediator no later than 10 Business Days after their Return Day Appearance or a dismissal, with prejudice, will be entered against the Plaintiff. Mediation will take place no later than 60 days after the Return Date.

A Business Day is defined as any day on which the court is open for regular business. Mediation Requests sent by mail are deemed filed on the date they are received by the Clerk of Courts.

Rule 707. [Intake Judge Hears Eviction Actions]

All eviction actions not settled at mediation will be tried by the intake court judge on the following Friday after the call of the small claims calendar. Only the eviction portion of the case will be tried at that time. Should the following Friday fall on a court holiday, the eviction portion of the case will be heard on the next Friday that the court is open for business.

Rule 708. [Financial Disclosure Statements]

Orders to show cause why financial disclosure statements have not been sent to creditors will be heard by the intake judge. Motions for contempt of court for failure to file financial disclosure statements and objections to garnishment shall be heard before the intake judge.

Rule 708A. [Order to Show Cause]

When it is necessary for the judgment creditor to obtain an order to show cause for failure of the debtor to file a financial disclosure statement, the clerk will add to the judgment the cost of serving this order to show cause.

PART 8: LATE SETTLEMENT ASSESSMENTS

- 800 Effective February 1, 1989
- 801 The circuit judges request trial counsel to pursue settlement at the earliest possible time. When any attorneys feels the court can be helpful, a request for a settlement conference can be made. (2/10/89)
- 802 When the court issues an order for trial, that order shall be set forth settlement dates and penalties for subsequent settlements. (2/10/89)

PART 9: FAMILY LAW PRACTICE

- 900 Effective February 1, 1989
- 901 No guardian ad litem shall be appointed until mediation under La Crosse County Circuit Court Rule 902 has failed. The mediator shall certify to the court that mediation has been attempted and has failed. (2/10/89)
(AMENDED 2/6/95)
- 902 Mediation through the court mediation service shall be the rule, rather than the exception. The court shall direct one or both parties to prepare the single fee of \$100.00 for mediation sessions provided by Family Court Counseling Services beyond the first session.

The fees for mediation and studies are payable directly to the County Clerk of Circuit Court, Room 1200, 333 Vine St., La Crosse, WI 54601, by mail, or in person, using the form provided. Payment cannot be accepted at Family Court Counseling Service. The Clerk of Court will accept cashier checks, cash, or money orders, but no personal checks.

The court shall reduce the fees in accordance with the party's ability to pay or provide the services without payment of the fees if both parties are unable to pay. If both parties are unable to pay, the court shall grant a separate judgment for the amount of the fees in favor of the county and against the party or parties responsible for the fees. The court shall direct one of the attorneys to prepare and submit such judgment in a form appropriate for docketing. This subsection is effective June 1, 1989. (10/6/89)

- 903 (REPEALED 1/9/04)

904

All marital settlement agreements and judgments for divorce, legal separation, paternity or child support shall include the following provision: "if the payor is not working for a legitimate reason or has an involuntary reduction in hours, that person's support obligation shall be converted to the appropriate percentage under the Wisconsin Child Support Guidelines based upon the gross income being received from all income sources including: Workers Compensation, Unemployment Compensation, disability insurance payments (non-Social Security based) or severance pay. For Unemployment Compensation calculations, periods of self employment that occurred during the base period will not be included.

This modification shall take effect from the date the payor notifies the Child Support Agency in writing (such as by completing the Certification of Change in Work Status form available from the Child Support Agency) and the income source is verified. The modification will continue until the earlier of:

- 1) payor's return to previous work status; or
- 2) the end of the month the written request was completed.

The payor must complete a new form for successive months before the first day of the month or the original obligation will automatically be reinstated.

Any payment of arrearages will be reduced to \$50/month if the payor's only source of income is from one of the qualifying sources listed above unless otherwise ordered by the court.

These provisions are applicable to orders issued by the State of Wisconsin unless another state has provided the State of Wisconsin the ability to modify their order.

Individuals receiving Social Security or Social Security Disability payments will have their obligations reviewed to modify the order to the appropriate level of support based on state guidelines. (Amended 5-5-09)

905

When the G.A.L. in a family case petitions the court for approval of his/her bill, in addition to providing the necessary information regarding the number of hours and the types of activities, the G.A.L. shall also submit an order for the Judge's signature providing for responsibility for the payment of the fees. Such petition shall additionally include a copy of the courts previous order requiring one or both of the parties or the county to be responsible for payment. It shall be the obligation of the G.A.L. to insure that the issue of responsibility for payment is addressed prior to the final hearing. Neither the clerk nor the court will search the file for such an order. If none has been made or none accompanied the petition for payment, no further action will be taken by the Clerk or the Court. The court shall immediately grant a separate judgment after the first missed payment for the amount of the reimbursement, in favor of the county and direct the G.A.L. to prepare and submit such judgment in a form appropriate for docketing. The clerk of court shall docket this judgment without fee. (2/10/89) (AMENDED 2/6/95)

- 906 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 Clerk of Circuit Court an annual receiving and disbursing fee. Only one fee shall be imposed on any individual payor for each case file. (8/1/92)
- 907 The family court commissioner shall hear the child support calendar and the default divorce calendar on a weekly basis. Other post judgment matters will be heard weekly before the family court commissioner on a regularly schedule basis. These post-judgment hearings shall be informal in nature. The family court commissioner will issue written decisions. With respect to contempt proceedings the family court commissioner shall conduct the hearing and send it to the appropriate circuit judge for approval and the issuance of an order. (2/6/95)
- 908 CUSTODY ASSESSMENT INITIATIVE – When a mediator certifies to the court the mediation has been attempted and failed, either party may petition for an assessment order. A Custody Assessment Team (CAT) consisting of the guardian ad litem, a child development specialist, and a mediation/case evaluator will assess the family and make a recommendation as to a suitable parenting plan within 90 days.
- The CAT process is voluntary. To initiate this process, a Motion for a CAT Scheduling Conference must be filed.
- The team will meet with the parents to recommend a parenting plan. If the parents agree with the recommendation it will be incorporated into a marital settlement agreement (MSA) and the matter will proceed to a default hearing. If the parents do not agree with the recommendation, the family court commissioner will impose a plan and the matter will be set for trial. A CAT assessment is also available for unmarried parents and post-divorce matters.
- 1) Upon appointment of a Custody Assessment Team, the court or family court commissioner shall order payment of a \$7,100 deposit to the Clerk of Court for CAT services to be distributed as follows: guardian as litem, \$3,300; child development specialist, \$3,300; and mediation/case evaluator, \$500. The court or family court commissioner in its discretion shall have the right to determine the payment schedule, which party shall pay the deposit or how it will be apportioned amongst the parties, and the minimum monthly payment allowable.
 - 2) All orders resulting from a CAT recommendation shall include a statement that the time for a de novo review of the order must be filed with the clerk of circuit court no later than 60 days from the date of the recommendation hearing.
 - 3) De Novo Review of CAT Order with or without CAT Participation. Either party may request a de novo review of a CAT Order with or without CAT Participation. The de novo hearing shall be scheduled in front of the assigned circuit court judge. This hearing is not a trial. The scope of the

hearing is limited to the evidence available to the CAT at the Recommendation hearing. Accordingly, the CAT shall not be required to update its report and no witness testimony shall be taken. The procedures for such hearing are as follows:

- a. Notice Requirements for CAT Request: The party requesting de novo review shall specify in the motion whether CAT participation is requested. Said motion shall be served by e-filing or by USPS on the same date it is filed.

If CAT participation is not requested, the motion shall contain this language: "You have 15 days from the date of service to file a written request for CAT participation at the de novo hearing or said request is deemed waived."

All motions shall contain the following language: "The party requesting CAT participation shall be responsible for prepayment of the \$550 CAT fee. This sum may be reallocated, in whole or in part, to the other party at the de novo hearing. CAT participation is not required for the Court to consider the CAT Recommendation Report."

If a de novo motion form (FA-4130V) is used, the Judicial Assistant for the assigned court shall ensure the CAT participation/waiver/fee language noted above is inserted in the motion before scheduling a hearing date;

- b. Court Notice of CAT Request to GAL: If CAT participation is requested, the circuit court shall send notice of the de novo hearing to the GAL and carbon copy the parties. The GAL will notify the CAT members of the de novo hearing date;
- c. Payment Requirements for CAT Participation in De Novo Hearing: The party requesting CAT participation at the de novo hearing shall be responsible for prepayment of the CAT's fees in the amount of \$550. The fees shall be distributed as follows: guardian ad litem, \$200; child development specialist, \$200; and mediation/custody evaluator, \$150. These sums represent two hours of work for each team member at the applicable county rate. Given the narrow focus of this hearing, significant preparation time should not be necessary.

The party requesting CAT participation shall post the fees with the Clerk of Court no later than three (3) weeks prior to the de novo hearing.

If the requesting party is unable to satisfy the payment requirements, the team will not participate in the de novo hearing. Because the CAT process is voluntary, the parties do not have a right to have the CAT appear at the de novo hearing.

- d. Reallocation of CAT Fees and Payment Schedule: At the de novo

hearing, the court may reallocate, in whole or in part, the prepaid CAT de novo fees. If reallocation occurs, the excess payment shall be reimbursed by the other parent. The CAT member shall not be required to return this excess payment and wait for the other party to pay his/her ordered portion.

The court shall set a repayment schedule if CAT fees are reallocated.

- 4) A de novo review of the CAT Order is not required prior to requesting a Custody and/or Placement Trial.
- 5) Either party may request a trial with or without participation by the CAT members.

When CAT participation is requested by a litigant, the team will conduct further investigation and file an updated report to reflect what has transpired since the Recommendation hearing in the Family Court. Alternatively, litigants can secure non-CAT experts.

- 6) Upon a request for a trial, the circuit court shall set a Scheduling Conference as soon as practicable after the filing for the purposes of:
 - a. Creating Transparency related to Trial Costs. The circuit court shall address the economic realities of extended litigation, such as lost wages, expert witness fees, attorney's fees, and other expenses.
 - b. Identifying the Issues for Review and to Request/Decline CAT Participation. At least twenty ("20") days prior to the Scheduling Conference, counsel or pro se litigants shall submit an Issues for Review Memorandum to the circuit court addressing the specific analysis and recommendations proffered by the CAT that are in dispute. This memorandum shall indicate whether CAT participation in the trial is requested or declined.
 - c. Notifying CAT Members of Trial Participation Request. If CAT participation in the trial is requested, the circuit court shall send notice of the Scheduling Conference to the GAL along with the parties' Issues for Review Memoranda. The GAL shall forward this notice and the parties' memoranda to team members.
 - d. Notifying Litigants of Potential Reallocation of CAT Fees: Prior to the Scheduling Conference, the party requesting CAT participation shall confer with team members about their hourly rate, the number of anticipated hours for investigation, trial prep and participation, and expected payment terms for this work.

If the requesting party is unable to satisfy the payment requirements, the team will not be reactivated. Because the CAT process is voluntary, the parties do not have a right to have the CAT appear at trial.

If fee arrangements are reached and the paying party seeks a reallocation of CAT fees after trial, then the total agreed amount per member shall be set forth on the record at the Scheduling Conference. The court shall inform the non-requesting party said CAT fees may be reallocated, in whole or in part, to him/her following the trial.

- e. Scheduling a Final Pre-Trial date within 60 days. Counsel and parties shall have their calendars available and be prepared to schedule this date.
- f. Scheduling a Trial date. Counsel and parties shall have their calendars available and be prepared to schedule this date.

- 7) Both parties shall appear for the Scheduling Conference.
- 8) The final pre-trial on a de novo review from an order of a CAT recommendation shall result in dates for all pre-trial matters, including but not limited to: disclosure of all witnesses, discovery deadlines, and any pre-trial motions
- 9) If neither party seeks CAT or other expert participation at trial, the Court may order the CAT or selected members to provide testimony regarding the CAT Recommendation Report. Compensation terms shall be as allowed per statute. CAT participation is not required for the Court to consider the CAT Recommendation Report.
- 10) After trial, the court shall determine if reallocation of CAT fees is appropriate. If the requesting party's actual payments to team members exceeds the amount assigned to him/her by the court, the excess payment shall be reimbursed by the other parent. The CAT member shall not be required to return this excess payment and wait for the non-requesting party to pay his/her ordered portion.

If the actual prepaid CAT fees is greater than those billed during the pre-trial and/or trial phases, any excess payments shall be returned by the CAT member in receipt of the same to the appropriate litigant.

(2/6/95) (AMENDED 10/8/99) (AMENDED 05/01/05)(AMENDED 1/1/18)
(AMENDED 11/1/21)

- 910 All marital settlement agreements must be approved by the family court commissioner prior to filing with the clerk of court. (2/6/95)
- 911 In all paternity cases, the Court shall order the mother and father to complete the parenting program for never married parents offered by Family Resources of La Crosse. At the conclusion of the program, the parents shall submit to the Family Court Commissioner a parenting plan which includes a specific plan

for placement. The Family Court Commissioner shall review the plan at a hearing and adopt it as an order of the Court. If the parties cannot reach agreement on a plan, they shall be referred to mediation under rule 902 and if that is not successful to a custody assessment team under rule 908.
(Amended 1/19/99)

912 Unrepresented parties in divorce proceedings shall use the pro se divorce forms available from the clerk of circuit court or forms that are identical in content. (1/9/04)

913 All hearings for restraining orders, pursuant to Wisconsin Statute Section 813.12 (Domestic Abuse Restraining Orders and Injunctions), and 813.125 (Harassment Restraining Orders and Injunctions) , will initially be held before the La Crosse County Family Court Commissioner.

1) Any party has the right to have a Circuit Court Judge hold a de novo hearing by filing a written motion with the Clerk of Courts within 30 days of the decision of the Family Court Commissioner.

2) Unless there is a showing of excusable neglect, no de novo hearing will be held if the motion requesting a de novo review is not filed with the Clerk of Courts within 30 days of the decision of the Family Court Commissioner.

3) The party moving for the de novo hearing must serve a copy of the motion on the opposing party and/or his or her attorney at least five days prior to the de novo hearing.

4) A motion requesting a de novo hearing will not stay the La Crosse County Family Court Commissioner's order unless the Judge specifically grants a stay of the order.

5) The La Crosse County Family Court Commissioner shall not hear any motions to modify an order or temporary order if the matter is pending a de novo hearing.

6) The Circuit Court Judge shall hold the de novo hearing within 30 days after the motion requesting the de novo hearing is filed with the Clerk of Courts unless the Circuit Court Judge finds good cause for an extension.

7) The Circuit Court Judge who is on intake the day that the motion requesting a de novo review is filed will be the responsible Court Official.

(Effective August 14, 2012)

914 All family code hearings are initially held before the La Crosse County Family Court Commissioner.

1. Any party that was present at the hearing held by the Family Court Commissioner has the right to have a Circuit Court Judge hold a *de novo* hearing by filing a written motion with the Clerk of Courts within 30 days of the oral decision of the Family Court Commissioner or within 30 days of the mailing of the written decision if the order was not orally given at the time of the hearing. If a party was not present at

the hearing held by the Family Court Commissioner, no *de novo* hearing will be held until the Family Court Commissioner first determines if there was excusable neglect for the nonappearance.

2. A party requesting a hearing on excusable neglect must ask for the hearing with the Family Court Commissioner within ten (10) days of the original hearing. The hearing on excusable neglect must be held within 30 days of the original decision of the Family Court Commissioner. If the Family Court Commissioner finds excusable neglect, the hearing on the merits shall follow immediately, unless the other party requests a continuance. Such a request will be liberally granted by the court.
3. If the Family Court Commissioner has determined at a hearing on excusable neglect for nonappearance that there is no excusable neglect for the failure to appear, the initial decision stands. Any review of that decision must be made within 30 days of the decision of the Family Court Commissioner.
4. Any review of a Family Court Commissioner no excusable neglect determination shall be made within ten (10) days of the Family Court Commissioner decision. If the Circuit Court Judge reverses the Family Court Commissioner decision and finds excusable neglect, the case will be scheduled for a hearing on the merits before the Family Court Commissioner within 30 days.
5. The party filing the motion for a *de novo* hearing must get a date for the *de novo* hearing at the time of the filing. The Circuit Court Judge shall hold the hearing on the motion or hold a scheduling conference to define the scope of the issues to be decided within 30 days after the motion requesting the *de novo* hearing is filed with the Clerk of Courts unless the Circuit Court Judge finds good cause for an extension or the parties otherwise agree.
6. No *de novo* hearing will be held if the motion requesting a *de novo* hearing is not filed with the Clerk of Courts within 30 days of the decision of the Family Court Commissioner. If the time requirements of this rule are not followed, the request for a *de novo* hearing will be dismissed and the decision of the Family Court Commissioner shall stand.
7. The party moving for the *de novo* hearing must serve a copy of the motion on the opposing party and/or his or her attorney and on any guardian *ad litem* and the child support agency, if a party, at the time the motion is filed and in no case after the usual time period for serving civil motions.
8. Prejudgment *de novo* hearings shall be conducted in summary fashion. Post judgment *de novo* hearings shall be held as a full evidentiary hearing.
9. A motion requesting a *de novo* review hearing will not stay the Family Court Commissioner's order unless the Circuit Court Judge specifically grants a stay of the order pending the *de novo* hearing.
10. The Family Court Commissioner shall not hear any motions to modify an order or temporary order if the matter is pending a *de novo* hearing before the Circuit Court Judge.
11. The Circuit Court Judge assigned to the family law case will be the responsible court official if a *de novo* motion is filed. If no Judge has been assigned, a random

assignment will be made by the Clerk of Courts at the time the *de novo* motion is filed. (Effective 1/1/15)

PART 10: JUVENILE LAW PRACTICE

- 1000 Effective February 6, 1995
- 1001 After a delinquency petition has been filed, the case shall be assigned to the judge, who is on intake at the time the juvenile first enters a plea.
- 1002 After a petition has been resolved by admission, agreement or trial, the judge to whom the case has been assigned shall be the disposition judge unless another judge has previously disposed of matters involving the juvenile before the court in which case disposition shall be assigned to that judge who made a previous disposition.

PART 11: COURT SECURITY

- 1100 Because of the need to protect litigants, attorneys, jurors and other visitors to the courthouse from the danger of violence, as a condition of entering the building, all persons, packages, purses and briefcases will be searched. (2/6/95) (AMENDED 1/9/04)
- 1101 Lawyers are to advise the judge of any security threat, in any case, that in which they are involved. This information should include names, nature of the threat, times, and other pertinent information. (2/6/95)

PART 12: FILING BY FACSIMILE

- 1200 Effective May 1, 2005
- 1201 Pleadings and other papers that do not require a filing fee may be filed with the court by facsimile transmission. Such filings shall be transmitted to the Clerk of Circuit Court at the following fax number 608-789-7821.
- Facsimile filings transmitted to any other fax number will not be filed.
- 1202 Facsimile filings shall be limited to 15 pages, unless an exception is approved by the assigned judge or court commissioner on a case-by-case basis. If a facsimile transmission exceeds 15 pages, the party or attorney shall certify that the assigned judge or court commissioner has approved the exception to the page limit.
- 1203 A cover page shall be added to all facsimile filings and shall include: the name of the sending party or attorney; the number of pages; the case number and caption; the assigned judge; and, the date and time of the proceeding for which it is intended.
- 1204 A courtesy copy of the facsimile filing may be transmitted directly to the judge

or court commissioner at the facsimile number listed for that circuit court branch or office. Any courtesy copy shall be clearly marked as such and contain a header as provided under section 1203 of these rules. Courtesy copies shall be destroyed by the judge or court commissioner and will not be filed.

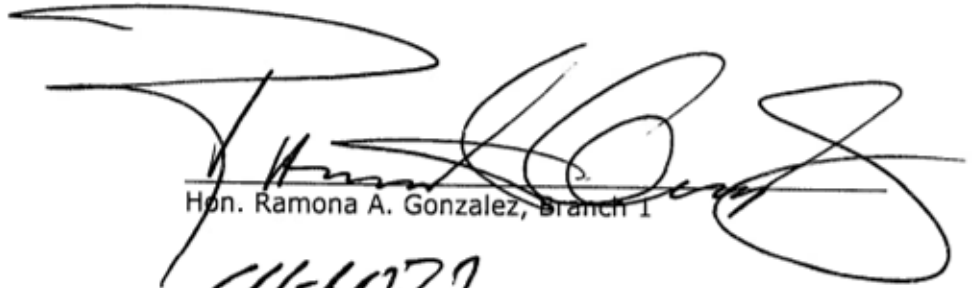
- 1204 Facsimile papers are considered filed upon receipt by the clerk of circuit court and are the official record of the court and may not be substituted. No additional copies may be sent. The clerk of court shall discard any duplicate papers subsequently received by the clerk of circuit court, assigned judge or court commissioner.
(11/1/2016)

PART 13: PRO SE JUVENILE GUARDIANSHIPS

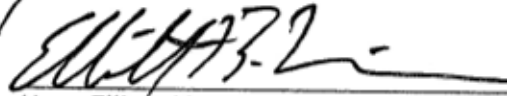
- 1300 1) Prior to petitioning the court for appointment of a guardian, both the petitioner and proposed guardian must familiarize themselves with the duties and responsibilities associated with the guardianship. This information may be obtained from the La Crosse County Register in Probate or through the Clerk of Court website at <http://www.co.lacrosse.wi.us/Departments/Court/docs/CircuitCtRules.htm>.
- 2) The petitioner is expected to pay the cost of the Guardian ad Litem. A \$350 payment toward Guardian ad Litem fees must be paid to the Clerk of Court prior to acceptance of the filing. Additional fees could be required depending on the work expected of the Guardian ad Litem.
- 3) Both the proposed guardian and petitioner will be expected to sign any releases necessary to allow the guardian ad litem to conduct a proper investigation into the need for the guardianship and fitness of the proposed guardian.
- 4) The petition and notice of hearing must be served on both parents, guardians and other interested parties.
- 5) Before a guardianship will be terminated, a guardian or parent must file a petition to terminate the guardianship which must be approved by the court. Interested parties must be given notice. The court may appoint a guardian ad litem in its discretion and the moving party will be responsible for the fees of the guardian ad litem. (August 1, 2013)

Local Court rules for La Crosse County

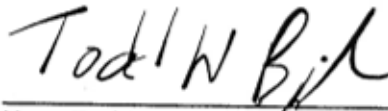
BY THE COURT:



Hon. Ramona A. Gonzalez, Branch 1



Hon. Elliott M. Levine, Branch 2



Hon. Todd W. Bjerke, Branch 3



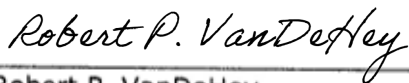
Hon. Scott L. Horne, Branch 4



Hon. Gloria L. Doyle, Branch 5

Dated this 1st day of November, 2021

Approved:



Robert P. VanDeHey
Chief Judge, Seventh Judicial Administrative District