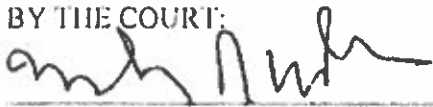


This revision of the Manitowoc County Local Rules reflecting revision of Rule 7 as approved by the Manitowoc County Circuit Court Advisory Council is adopted by the judges of Manitowoc County effective August 15, 2025.

Dated August 6, 2025 at Manitowoc, Wisconsin:

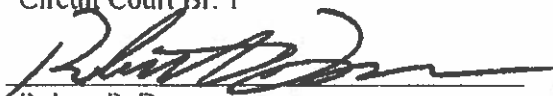
BY THE COURT:



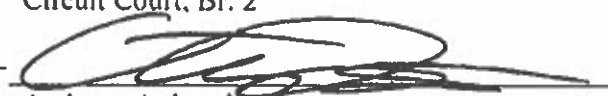
Mark R. Rohrer
Circuit Court Br. 1



Jerilyn M. Dietz
Circuit Court, Br. 2



Robert P. Dewane
Circuit Court, Br. 3



Anthony A. Lambrecht
Circuit Court Br. 4

Approved this 12th day of August, 2025.



Guy Dutcher, Chief Judge
Fourth Judicial Administrative District

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1. COURT RULE PROCEDURES

1.01 PROCEDURE FOR ADOPTION OF COURT RULES.

- (1) Court Rules shall be presented to the Manitowoc Circuit Court Advisory Committee and upon approval may be adopted as set forth below.
- (2) All rules shall be adopted by written order of the Manitowoc Circuit Judges and approval of the Chief Judge of the Judicial District.
- (3) Orders adopting rules shall specify an effective date. Pursuant to Wis. Stat. §753.35(1), except for a rule adopted or amended as an emergency rule, the Circuit Judge shall file an adopted or amended rule with the Clerk of Courts office prior to the rule's effective date.

1.02 PUBLICATION.

Following adoption, all rules shall be filed and distributed as required by Wis. Stat. §753.35.

1.03 EFFECT OF RULES.

Any rules adopted hereunder are intended to provide for the guidance of parties and more efficient administration of the courts. Any Circuit Court Judge or Court Commissioner has the authority to explicitly or implicitly waive compliance with any court rule and such waiver shall not affect the validity of any court proceeding.

753.35 Rules of practice and trial court administration

(1) A circuit may, subject to the approval of the chief judge of the judicial administrative district, adopt and amend rules governing practice in that court that are consistent with rules adopted under §751.12 and statutes relating to pleadings, practice and procedure. The court shall file each adopted or amended rule with the clerk of circuit court. Except for a rule adopted or amended as an emergency rule, the court shall send a copy of the filed adopted or amended rule to the secretary of the local bar association in that circuit, the court administrator for that judicial administrative district, the state bar of Wisconsin, the state law library and the office of the director of state courts. A person may submit to the court written comments on a rule for the court's consideration in determining whether revision of the rule is needed. The clerk of circuit court shall print and make available to the public, at cost, all rules adopted or amended under this section.

2. RULES OF GENERAL APPLICABILITY

2.01 PROCEDURE FOR ADJOURNMENTS.

Whenever an adjournment is sought more than 48 hours prior to a scheduled court proceeding, the requesting attorney/party shall:

- (1) Make request in writing;
- (2) State the specific reason for request;
- (3) Provide a copy of the request to other parties: state the position of the other parties on the request;
- (4) Provide a copy of the request to his/her client at the judge's discretion;
- (5) Direct the request to the presiding judge.

2.02 FACSIMILE TRANSMISSION OF DOCUMENTS.

- (a) Facsimile Equipment. The Manitowoc County Clerk of Circuit Court office shall maintain a plain-paper facsimile machine. The telephone number for said fax machine is (920) 683-2733.
- (b) Approval Required for Facsimile Transmissions Exceeding 15 Pages. Prior approval must be obtained from the assigned judge or court commissioner for the facsimile transmission of documents exceeding 15 pages in length to the Clerk of the Circuit Court for filing, and the party or attorney transmitting the document shall certify that the assigned judge or court commissioner has approved the facsimile transmission.
- (c) Facsimile Fees. A fee of \$1.25 per page will be charged for each page sent by the Clerk of Circuit Court by facsimile transmission. Prepayment is required before the Clerk of Circuit Court sends any document. Payments may be made in person by cash, check, credit card, or debit card.
- (d) When Facsimile Documents Considered Filed. A facsimile document must be transmitted directly to the Clerk of Circuit Court fax machine at (920) 683-2733 to be considered officially filed. No exceptions.
- (e) Documents Permitted to be Filed. Facsimile documents transmitted for filing directly to the Clerk of Circuit Court shall be accepted for filing only if:
 - (1) No filing fee is required to file the document.
 - (2) The document does not exceed 15 pages in length or the facsimile transmission has been approved by the assigned judge or court commissioner.
- (f) Conditions of Acceptance of Facsimile Documents:
 - (1) No Additional Copies. Pursuant to Wis. Stat. § 801.16(2)(c), facsimile

documents filed with the Clerk of Circuit Court are the official record and may not be substituted. Do not follow up a fax transmittal with the original document. **NO ADDITIONAL COPIES SHOULD BE SENT. ANY DUPLICATE PAPERS SUBSEQUENTLY RECEIVED WILL BE DISCARDED.**

- (2) Responsibility for Errors. The party transmitting a facsimile document is solely responsible for ensuring its timely and complete receipt. The Clerk of Circuit Court is not responsible for errors or failures in transmission that result in missing or illegible documents or failures in transmission due to periods when the facsimile machine is not operational for any reason.
- (3) Facsimile Transmission Filing Deadlines. Documents filed with the circuit court by facsimile transmission completed after regular business hours of the clerk of circuit court's office are considered filed on a particular day if the submission is made by 11:59 p.m. central time, as recorded by the court facsimile machine, so long as it is subsequently accepted by the clerk upon review. The expanded availability of time to file shall not affect the calculation of time under other statutes, rules and court orders. Documents submitted by facsimile transmission completed after 11:59 p.m., are considered filed the next day the clerk's office is open.
- (4) Authentications. If authenticated copies of a filed facsimile document are requested, the Clerk of Court will prepare the copies from the filed facsimile document, at a cost of \$1.25 per page, which must be prepaid before copies will be mailed out or faxed.
- (5) Exercise Discretion in Filing Documents by Facsimile. There is no comparison between the quality of an original document and a facsimile transmission. Facsimile transmissions can be fuzzy, illegible, crooked, or contain lines created by faulty equipment on either end of the transmission. To help maintain quality documents in our court record, we would encourage individuals to limit use of facsimile transmissions for filing documents to situations where there is a time deadline at issue or for situations requiring immediate attention by the court. Facsimile transmissions should not become a substitute for mailing.

2.03 ATTORNEY RESPONSIBILITY IN REPRESENTING CLIENTS

- A. An attorney appearing in any case shall file a notice of retainer, in writing or by e-filing, with the Clerk of Court;
- B. An attorney withdrawing from a case shall submit either a stipulation and order to withdraw or an order for substitution, in writing or by e-filing, with the Clerk of Court;
- C. An attorney at the close of the case shall notify the Clerk of Court, in writing or by e-filing, that he or she is no longer representing the client. The exception to this

rule shall be for those cases in which the defendant is represented by an attorney through the State Public Defender's Office.

- D. Any attorney who fails to submit an order or a notice under subsection B or C above shall remain as the attorney of record until such an order or a notice is filed.

3. CRIMINAL/TRAFFIC RULES

3.01 PROCEDURE FOR SERVICE OF PROCESS FOR STATE PUBLIC DEFENDER CLIENTS.

- (1) In Manitowoc County Circuit Court proceedings where counsel has been provided to a person through the office of the State Public Defender, service of process of witnesses and payment for service of process and witness fees shall be accomplished, pursuant to Wis. Stats. § 885.10, in the following manner:
 - (a) That subpoenas directed to the Manitowoc County Sheriff's department for service shall be accompanied by a photocopy of the State Public Defender's "Order Appointing Counsel";
 - (b) That the presentation of the aforesaid copy of the "Order Appointing Counsel" shall have the effect of a court order requiring the Sheriff's department to serve process on the witness named therein in the same manner as service of process for witnesses for the State;
 - (c) That service of process fees and witness fees in a Manitowoc County Circuit Court proceeding where counsel has been provided to a person through the office of the State Public Defender shall be paid in the same manner as witness fees for the State are paid.
- (2) That this rule does not purport to regulate or otherwise limit in any Manitowoc County Circuit Court proceeding the use of other agents for service of process, the manner of service, or payment of service and witness fees, except as set forth above.

4. CIVIL PRACTICE RULES

4.01 PROCEDURE FOR EXHIBITS.

- (1) Pleadings and other papers already in the court files (time stamped), including the stipulations and financial disclosure statements, shall not be marked as exhibits.
- (2) Exhibits that have been marked for identification shall be retained by the clerk unless the exhibit is withdrawn on the record or the court authorizes other disposition either on the record or by written order.
- (3) At the close of all non-criminal trials, the presiding judge or court commissioner shall request the parties to stipulate to the disposition of all exhibits being held following determination of any appeal or expiration of the time for appeal if no appeal is filed.
- (4) If parties stipulate as requested, they shall sign a form provided by the clerk and make arrangements for appropriate disposition of the exhibits.

4.02 RE-NUMBERED AS 6.05 ON 04-01-11.

4.03 MORTGAGE FORECLOSURE PROCEDURE. (Amended 02-01-13)

Motions for Default Judgment or Judgment on the Pleadings shall be scheduled for a hearing in open court. Notice shall be provided to all defendants at least ten (10) days before the hearing, whether or not any defendant has previously appeared. If all parties consent or no defendant appears at the scheduled hearing, the court may grant judgment based on affidavits or testimony.

In all residential mortgage foreclosure actions filed as of today, February 1, 2013, the plaintiff shall attach to the Summons and Complaint served on all other parties copies of the following forms prescribed by the court.

- (a) Notice of Availability of Mediation through the Winnebago Conflict Resolution Center
- (b) Application for Mediation

Plaintiff shall serve all forms on all mortgagors named in the action. The forms shall be printed on yellow paper and can be downloaded from the Manitowoc County Clerk of Court website at:

<http://www.co.manitowoc.wi.us/departments/document.asp?ID=4>

“Residential mortgage foreclosure actions” is defined as those foreclosure actions involving either first or second mortgages and involving one-four family residences, owner occupied, or tenant occupied, so long as the landlord owns no more than five one-four family rental properties.

While entry into the Foreclosure Mediation Program is voluntary for both parties, by consenting, the parties agree to abide by the process set forth in the Foreclosure Mediation Process Description below.

Foreclosure Mediation Process Description

A. Goal. The Manitowoc County Foreclosure Mediation Program is patterned after the Wisconsin Foreclosure Mediation Network Model. The goal of the Program is to assist parties determine, within a reasonable period of time, whether foreclosure can be avoided by an alternate mutually agreeable arrangement, such as a loan modification or repayment plan, or to allow for a graceful exit from the property. The mediation program seeks to achieve this goal by structuring the collection and exchange of information to prepare the parties for their mediation session. The neutral and impartial mediator then guides and summarizes the communications so that parties gain a complete and clear understanding of any options that may exist, or the reasons retention options are not available.

B. Eligibility. The Program is available to parties to a first or second mortgage foreclosure action involving a one-four family residential property. The homeowner need not reside in the property, but they may not own more than four other rental properties. This is consistent with the eligibility criteria for the U.S. Treasury's Making Homes Affordable loan modification program. In addition, the action must be pending in Manitowoc County. Vacation properties or "seasonal homes" are not eligible, nor are homes subject to a bankruptcy.

C. Request/Consent Process:

1. Mediation Request Form. To initiate the mediation process, either party may make a request. The homeowner's request must utilize the "Mediation Request Form." Within two business days of receiving the Request Form, the Program Administrator will refer a housing counseling agency to the homeowner via mail or email. The homeowner's second step is to contact a housing counselor to set up a meeting for the purpose of compiling a complete financial package. The housing counselor sends the package directly to the Program Administrator. The homeowner's third step is to pay the application fee of \$150 by check, money order or credit/debit payment via telephone.

If the homeowner does not complete all three steps within 60 days from receipt of the Mediation Request Form, in the absence of extenuating circumstances, the application will be deemed inactive.

2. Lender's Consent. After the homeowner has completed all three application steps, the Program Administrator will notify Lender's counsel and request Lender's participation, seeking a response within 10 business days. Lender's non-refundable fee of \$150 is due at the time of consent. If no response is received within 30 days, the

Program Administrator will notify the Court that Lender has not responded and will close the mediation

D. Mediation Preparation/Document Exchange:

1. On-line Portal. By consenting, Lender agrees to utilize an Administrator selected secure internet based portal to:

- a. Post the lender required loan modification application forms and requirements,
- b. Receive the homeowner's loan modification package documents and
- c. Exchange messages about any outstanding documents or information.

2. Initial Submission of Loan Modification Request Packet ("Financial Package"). Within 2 business days of lender's consent, the Program Administrator will send the homeowner's financial package to the lender, either via the Portal or via lender's counsel.

3. Notice of Deficient Package and (Lender's Confidential Loan Data Sheet). Within 5 business days after receipt of homeowner's initial submission of information, Lender shall:

- a. Notify the Program Administrator of any known deficiencies, including any missing information or documentation required for the loan modification application to be complete, and
- b. Send the completed Confidential Loan Data Sheet.

4. Supplemental Submission. Within 10 days from the date of the Lender's notification of deficiencies in the financial package, homeowner shall submit supplemental information or documents. This deadline may be extended for compelling circumstances beyond the homeowner's control.

5. Notice of Commencement of Review Period. When no outstanding Lender requests for information or documents remain, the Program Administrator will send a Notice to the Court advising that:

- a. The Homeowner has delivered to Lender, via Program Administrator, a completed application for a loan modification;
- b. Lender is reviewing the application for alternatives to foreclosure; and
- c. The next scheduled mediation activity.

E. Mediation Session

1. Assignment of Mediator. At the time of the Initial Submission, the Program Administrator will assign a trained neutral and impartial mediator, who will utilize the facilitative style of mediation, refraining from directing or advising the parties, and will abide by the Uniform Model Standards of Mediator Conduct.

2. Attendance by Parties with Authority. By consenting, Lender agrees to designate a representative with knowledge of all of the Lender's loss mitigation programs either with full authority to make a determination on the homeowner's request or access to persons having such authority. Such representative may appear via video or teleconference. All attorneys will appear in person or via videoconference (if such accommodations are available). Absent prior arrangements, all mortgagors and the mediator must be present at the mediation session. If subsequent mediation sessions are scheduled, all appearance may be via teleconference.

3. Confidentiality and Privilege. All communications made by the parties, attorneys and other participants at or in connection with the mediation shall be privileged and not reported, recorded or placed into evidence, or made known to the Court or construed for any purposes to be an admission. The Mediator will keep confidential all statements made during the mediation session, and will report to the Court only the results of the mediation or the procedural status of the mediation case.

4. Scope of Subject Matter. The mediation session may include negotiation of a modification of the homeowner's loan, whether by new payment terms, reduction or forgiveness in principal, interest, escrow shortage or advanced costs, surrender or sale of the mortgaged property or otherwise. Disputes of the amount due, application of payments, or other claims are within the scope of mediation only if both parties expressly make such election.

5. Close of Mediation. The Mediator shall cause the mediation process to conclude when:

- a. The homeowner has withdrawn from the mediation process.
- b. The Lender has reached a determination about the Homeowner's eligibility for a loan modification and the Homeowner has been afforded an opportunity to discuss the determination during a mediation session, or
- c. The Homeowner has failed, after 10 business days, to supply information or documents identified as outstanding by the Lender and the Lender has requested that mediation be closed.

The Program Administrator shall send to the Court a Final Mediation Report no later than 10 days after the conclusion of the mediation.

Pursuant to the authority of Court Rule 1.01(1) and in recognition of the significant increase in home foreclosure actions and to assist parties in resolving these actions as expeditiously as possible, the requirement that this rule be presented at two successive meetings of the Manitowoc County Circuit Court Advisory Committee is waived.

5. SMALL CLAIMS COURT RULES

5.01 SERVICE BY MAIL AUTHORIZED.

Service of summons by regular mail is authorized as provided in Wis. Stats. §799.12(3), except personal service shall be required for eviction actions, replevin actions where a deficiency is requested, all consumer credit replevin actions brought under Chapter 425, and non-earning garnishment actions.

5.02 PLEADINGS IN WRITING.

All pleadings under Chapter 799 shall be in writing unless specifically ordered otherwise by the court in a specific action.

5.03 STATEMENT OF DEFENSES REQUIRED. (Amended 06-02-23)

Except as otherwise provided by these rules for Evictions and any related damages claim, in order to contest, the defendant must file a written Statement of Defenses within 10 business days following the return date and send a copy to the plaintiff or plaintiff's attorney as required by law. Failure to serve and file a timely Statement of Defenses may result in a default judgment against the defendant.

5.04 SMALL CLAIMS APPEARANCES. (Amended 06-02-23)

Except as otherwise provided by these rules for Evictions and any related damages claim, small claims hearings before the Commissioners are conducted by videoconferencing means unless parties choose to appear in person or the hearing cannot be effectively be conducted by videoconference due to the nature of the evidence. Parties must present documents to the opposing party in advance of any contested hearing. Failure to do so may result in the hearing being rescheduled.

(1) Replevin and monetary cases:

For any non-eviction matter, counsel for either party must appear in order for attorney fees to be awarded. The appearance may be by letter. If there is no letter of appearance by counsel for the return date, the case will be dismissed (with prejudice if the defendant appeared.)

Plaintiffs need not attend the return date, but must file the Declaration of Non-Military Service and the proof of service (Certificate of Service) for service other than by mail through the Clerk of Court as set forth in Rule 5.01. Failure to file may result in dismissal, though the court may allow a grace period.

Defendants need not appear if not contesting. To contest, defendants must file a written Statement of Defenses, either personally or by counsel prior to the return date or appear at the return date either in person or by videoconference. A written Statement of Defenses by defendant or counsel will constitute appearance. If

appearing in person to contest, the defendant shall file the written Statement of Defenses as set forth in Rule 5.03. A commissioner hearing will be set at the return date. If the Statement of Defenses is not received timely, a judgment may be granted against the defendant as demanded in the complaint.

(2) Evictions:

Plaintiff and/or plaintiff counsel must attend return date either in person or by videoconference. Letter appearance by counsel is not sufficient in eviction cases. Failure to appear by plaintiff will result in dismissal.

Defendants must attend return date either in person or by videoconference if contesting for any reason. Failure to appear results in granting plaintiff's request. Defendants must state any defense to the eviction action at the return date. A stipulated resolution can be reached and filed with the court at anytime regarding the eviction or the monetary issues.

If at the return date, the Commissioner determines defendant has grounds to contest the eviction, a hearing (Eviction Trial) will be set with the assigned judge during the designated time block. The Eviction Trial could be as soon as the day after the return date. Defendant's written Statement of Defenses must be received by the Court by the close of business the day before the Eviction Trial. Service of the Statement of Defenses on the plaintiff can be made at the start of the Eviction Trial if time does not permit delivery by mail. Appearances shall be in person for Eviction Trials, except as allowed by the judge in which case a videoconference appearance is required. If a party fails to appear, judgment may be entered against an absent defendant or the case dismissed with prejudice in the event of an absent plaintiff. When granting a judgment of eviction, the judge will state if there is any stay of entry of judgment or stay in issuing a writ of restitution. A separate commissioner hearing [Rule 5.04(3)] will be set to determine the amount of any monetary judgment.

If at the return date, the Commissioner determines defendant fails to state a valid defense, the Commissioner will grant the judgment of eviction but may stay entry of judgment and/or issue of the writ of restitution until noon on the 5th business day after the return date. Plaintiff must contact the clerk of court to advise if writ is needed or, if entry of judgment was also stayed, whether judgment should be entered. When judgment is stayed, failure to contact the clerk may result in the eviction portion of the case being dismissed. A separate commissioner hearing [Rule 5.04(3)] will be set at the return date to determine the amount of any monetary judgment.

(3) Eviction Commissioner Hearing on Rent and Damages:

Following resolution of an eviction claim by defendant vacating the premises, a hearing to determine monetary damages will be set before Commissioner

approximately 6 weeks later, to allow plaintiff to determine damages. A rent and damages list must be received in the Clerk of Court's office (or E-Filed) not later than the close of business 5 days before the rent and damages hearing. This list must also state the date the notice was mailed to the defendant(s). A sample form may be obtained from the Clerk of Courts office.

Defendant is not required to file an answer contesting the monetary damages if final amount is not stated in the complaint. Any defendant may appear and contest the claims at Commissioner hearing.

(4) Counter Claim in Eviction Actions:

Defendant should be permitted to file a counterclaim at any stage. A modified statement of defenses and counterclaim form may be made available. Such form would indicate there is insufficient information to respond to the plaintiff's claim, but be completed by the defendant as to the counterclaim. If counterclaim is first raised at the Commissioner hearing on damages, a written counterclaim may be required to be filed and a new commissioner hearing set. If raised when making a demand for trial, plaintiff must be given opportunity at trial to respond or matter can be returned to the commissioner to address the counterclaim before trial with judge.

5.05 HEARING PROCEDURES.

- (1) If the action is not disposed of at the return date, the court shall set a commissioner hearing approximately 30 days after the return date. Commissioner hearings shall be set for 30 minutes and shall be conducted informally pursuant to Wis. Stats. §799.209. Each party shall have 15 minutes to present their case and the commissioner shall make a record of the proceeding noting the time and location of the hearing, the parties, witnesses and attorneys present and the decision. Any party that is not satisfied with the decision of the commissioner may file a Demand for Trial pursuant to Wis. Stats. §799.207.
- (2) In the event any party to a small claims case fails to appear at the commissioner hearing, the following disposition shall be made:
 - (a) Failure to appear of the plaintiff: Dismissal with prejudice.
 - (b) Failure to appear of the defendant: Default judgment.
 - (c) Failure to appear of both parties: Dismissal without prejudice.
- (3) Any defaulting party may bring a petition to reopen the default judgment. If the petition is granted, the court may award costs up to \$50.00 to the other party.

5.06 THIRD PARTY ACTIONS.

- (1) Any defendant wishing to add another party to a small claims action must file a third party summons and complaint no later than 20 days after the Return Date. Such third party summons and complaint shall be returnable at the commissioner hearing and serve pursuant to Wis. Stats. § 799.05 not less than 8 days prior to the commissioner hearing.
- (2) If a Demand for Trial is filed by any party after the commissioner hearing, the third party defendant shall file a written Statement of Defenses within 10 business days after receipt of notice of the trial date and send a copy to all parties in the action or their attorney.

5.07 APPLICATION FOR BENCH WARRANT.

A plaintiff seeking the issuance of a bench warrant against a judgment debtor who fails to appear in court on an order to show cause for failing to appear for a supplemental examination or failing to complete a financial disclosure statement shall complete an affidavit verifying the following information:

- (1) Debtor's full name.
- (2) Debtor's current address.
- (3) Debtor's date of birth.
- (4) Sex of debtor.

The applicant shall also provide, if available, the debtor's telephone number, driver's license number, height, weight, race, eye color, hair color, or other identifying characteristics. The affidavit shall recite that the judgment debtor has failed to appear in court on an order to show cause, specify the reason for the appearance, and verify that there is a proof of service on the judgment debtor for the failed court appearance in the court's file. The affidavit shall be prepared on a form to be supplied by the clerk.

6. FAMILY COURT RULES

6.01 PROCEDURE FOR DISMISSING INACTIVE FAMILY ACTIONS.

- (1) Dismissal Orders shall be prepared as follows:
 - (a) In all actions affecting the family in which there have been no motions or pleadings filed, or hearings scheduled for more than 6 months, the judicial assistant shall prepare an order of dismissal with 20 days notice.
 - (b) When a subsequent action affecting the family involving the same parties is filed, the clerk shall prepare an order for immediate dismissal of the prior action.
- (2) Any orders in the case for support or maintenance shall be computed by the Child Support Agency up to the date the Dismissal Order becomes effective.
 - (a) When the dismissal is a result of failure to prosecute, records of arrears or overage amounts shall be retained on the statewide KIDS computer system pursuant to administrative regulation.
 - (b) When the dismissal is a result of a subsequent family action being filed, the arrears or overage amounts shall be transferred to the support records of the more recently filed action.
 - (c) It shall be the responsibility of the parties to petition the court to adjust arrears and overage figures that they believe are incorrect.
 - (d) Copies of all orders entered pursuant to this court rule shall be sent to each party or attorney of record, to the Family Court Commissioner and to the Child Support Agency.
- (3) Copies of all orders entered pursuant to this court rule shall be sent to each party or attorney of record, to the Family Court Commissioner and to the Child Support Agency.

6.02 POST JUDGMENT PROCEDURES.

- (1) Where Post Judgment Motions Heard. All motions for revision of judgments under Wis. Stats. §767.32 shall be heard by the Family Court Commissioner, unless the Commissioner recommends, and/or the Court determines that the matter is more appropriate for hearing before a judge.
- (2) Hearing Procedure. Hearings shall be by sworn testimony and documentary evidence on the record. A "Findings of Fact and Order" of the Family Court Commissioner shall be prepared by the prevailing party, or in the case of pro se

participants, by the Family Court Commissioner, and submitted for signature within thirty (30) days of the date of the post-judgment hearing.

(3) Review by Circuit Court.

- (a) Either party may, at any time after the hearing, but not later than thirty (30) days after the date of the order, move for review of said Findings and Order of the Family Court Commissioner by the Judge of the branch of the court to which the case has been assigned.
- (b) The motion for review shall include:
 - 1. The decision, order or ruling for which a review is sought, and
 - 2. Whether the hearing requested is a new evidentiary (de novo) hearing or a hearing on the record. If the review is requested on the record, the moving party shall take the necessary steps to have a transcript of the commissioner hearing filed with the circuit court prior to the review hearing.

6.03 DIVORCE STIPULATED FINAL HEARING REQUIREMENTS.

- (1) Prior to the scheduling of a final stipulated hearing in a divorce case, the following items from the requesting party must be in the court file:
 - (a) The requesting party's signed Financial Disclosure Statement, which must have been furnished to the opposing party.
 - (b) A signed Marital Settlement Agreement resolving all issues of property division, custody, placement, child support and maintenance.

6.04 DIVORCE PRETRIAL REQUIREMENTS.

- (1) Prior to the scheduling of a pretrial in a divorce case, the following items from the requesting party must be in the court file:
 - (a) Financial Disclosure Statement The requesting party's signed Financial Disclosure Statement, which must have been furnished to the opposing party, complete with supporting information. "Supporting information" includes the following:

Assets:

- 1. Income Tax Returns. Copy of federal income tax returns for the last two years.

2. Current Income Information. Copies of the party's pay stubs for four most recent pay periods, or, if the stub shows year to date totals, the most recent period only.
3. Real Estate. In the case of real estate, copy of appraisal, tax bill, or other written information supporting the claimed value of the real estate. Also, a copy of the most recent mortgage balance statement from any mortgage holder.
4. Retirement Plans. In the case of any retirement plan, a written earnings statement or letter from the employer or plan administrator showing the current value of the plan or the current benefits which have been earned.
5. Life Insurance. A statement from the carrier showing the policy's current cash value, or statement from the carrier or employer indicating the plan has no cash value.

Liabilities:

A statement of all liabilities including for each the name of the creditor, amount of the debt, purpose for which incurred, and the monthly payment, if any, being made on the debt.

Asset and Liability Summary:

An Asset and Liability Summary, showing the party's claimed value of assets and amount of liabilities, and the proposed allocation of assets and liabilities, on the form provided with these requirements.

Monthly Budget:

A monthly budget showing current gross monthly income from all sources, deductions from gross income, net monthly income, and expenses.

- (b) Statement of Issues. The requesting party shall file a statement of issues indicating items which are in dispute and those which are not in dispute. With respect to any disputed items, the party shall set forth his or her position and, to the best of the requesting party's knowledge, the position of the opposing party. If child custody or placement is in dispute, the requesting party must have filed a Parenting Plan.
- (c) Discovery. The requesting party must state in writing that the party has completed discovery which he or she intends to conduct (or that he or she has filed a motion to compel discovery of information which has not been

timely furnished in response to a discovery request) and that he or she has complied with any discovery requests of the other party.

- (2) No later than ten (10) days before the Pretrial Conference the opposing party shall provide the following:
- (a) Financial Disclosure Statement. The opposing party must file a Financial Disclosure Statement in the form described above. FAILURE TO FILE A FINANCIAL DISCLOSURE STATEMENT SHALL BE DEEMED TO BE AN AGREEMENT BY THE OPPOSING PARTY TO THE INFORMATION CONTAINED IN THE REQUESTING PARTY'S FINANCIAL DISCLOSURE STATEMENT.
 - (b) Statement of Issues. The opposing shall file a statement of issues indicating items which are in dispute and those which are not in dispute. With respect to any disputed items, the party shall set forth his or her position and, to the best of the requesting party's knowledge, the position of the requesting party. If child custody or placement is in dispute, the opposing party must file a Parenting Plan.
 - (c) Discovery. The opposing party must state in writing that the party has completed discovery which he or she intends to conduct (or that he or she has filed a motion to compel discovery of information which has not been timely furnished in response in response to a discovery request) and that he or she has complied with any discovery requests of the requesting party.

6.05 PAYMENT OF NON-CONTRACT GUARDIAN AD LITEM FEES.

Pursuant to the authority of SCR 81.02 and St. ex rel. Friedrich v. Dane County Cir. Ct., 192 Wis. 2nd 1 (1995), and based on the findings in the Order adopting this rule, court appointing Guardians ad Litem shall be reimbursed at the rate of \$100.00 per hour effective with appointments made after January 1, 2017.

Pursuant to the authority of Court Rule 1.01(1), in order to assure the appointment of qualified Guardians ad Litem, the requirement that this rule be presented at two successive meetings of the Manitowoc County Circuit Court Advisory Committee is waived.

7.0 JUVENILE COURT RULES

7.01 EFFECTIVE DATE:

7.02 INTRODUCTION

This local court rule establishes the policies and procedures of the juvenile and children's court of Manitowoc County. It shall supersede all previous statements of the policies and procedures of the Manitowoc County Circuit Court concerning proceedings under chapter 48 and 938 in whatever form or format promulgated.

It is the express policy of the court to implement the legislative purposes expressed in § 48.01 and 938.01, Wisconsin Statutes, and to establish procedures that are discretionary with the court. Statutory mandates are to be explicitly followed in the performance of all matters.

The Manitowoc County Department of Human Services is designated by the Manitowoc County Board of Supervisors as the agency to provide both intake and dispositional services under § 48.067, 48.069, 938.067 and 938.069.

Manitowoc County respects and appreciates differences among us, whether that be age, gender, race, ethnicity, religion, disability, sexual orientation, sexual identity, education, national origin, or any other distinguishing characteristic or trait.

Manitowoc County is committed to the utilization of community-based services and evidence-based interventions and principles when working with children, youth and families.

Manitowoc County embraces the principles of Balanced and Restorative Justice which includes empowering offending youth to make amends to their victims and community, increasing youth competencies, and protecting the public through processes in which individual victims, the community, and offending youth are all active participants.

Manitowoc County is committed to deflection and diversion of youth from the formal youth justice system, when appropriate.

7.03 DEFINITIONS

1. **CASA:** Court Appointed Special Advocate; a program to promote the best interests of children involved in proceedings under § 48.13 by providing a trained, qualified advocate who gathers information, monitors the child's welfare, and submits findings to the court as set forth in § 48.236.
2. **Child:** Refers to a person under the age of 18 involved in Chapter 48 CHIPS Proceeding.
3. **CHIPS:** Children in Need of Protection or Services; a Chapter 48 proceeding concerning a child who is within the jurisdictional requirements of § 48.13, Wisconsin Statutes, generally involving orphaned, abandoned, abused, neglected, special treatment children, and children with alcohol or other drug abuse impairments.
4. **Court:** When used without further qualification, means the court assigned to exercise jurisdiction under Chapter 48 or 938, Wisconsin Statutes.
5. **Court Hearing:** Court appearances may occur virtually or in-person as determined by the presiding court official.
6. **Court Intake:** The process by which a person is referred to intake under § 48.24(1) and § 938.24(1), Wisconsin Statutes, and the intake worker conducts an intake inquiry on behalf of the court to determine whether the available facts establish prima facie jurisdiction and to determine the best interests of the child, unborn child or youth and of the public with regard to any action to be taken
7. **Custody Intake:** The process by which a person is taken into custody under § 48.19 and § 938.19, Wisconsin Statutes, and delivered to the Intake Worker for a custody determination under § 48.20 and § 938.20.
8. **DRAI:** Detention Risk Assessment Instrument; The tool used in the risk screening process to guide the Intake Worker in whether to detain or release a youth in custody.

9. Deflection: Deflection includes early interventions that redirect youth from a formal referral to the juvenile justice system and towards needed services.
10. Delinquent: A juvenile who is 10 years of age or older who has violated any state or federal criminal law and is within the jurisdictional requirements of § 938.12. If a petition alleging that a juvenile is delinquent is filed before the juvenile is 17 years of age, but the juvenile becomes 17 years of age before admitting the facts of the petition at the plea hearing or if the juvenile denies the facts, before an adjudication, the court retains jurisdiction over the case.
11. Diversion: The process of redirecting youthful offenders who have been referred to the juvenile justice system by offering programming and supports; including but not limited to deferred prosecution agreements, counsel and closure, and referrals to community-based services and resources.
12. Intake Worker: Person designated to provide intake services by the County Board, with the powers and duties as set forth in § 48.067 and § 938.067, Wisconsin Statutes.
13. JIPS: Juvenile In need of Protection or Services; a Chapter 938 proceeding concerning a juvenile who is within the jurisdictional requirements of § 938.13, generally involving uncontrollable juveniles, habitual truants, school dropouts, under 10 who commits a delinquent act, not responsible because of mental disease or defect, or not competent to proceed.
14. Juvenile: Refers to a person under the age of 17 involved in a delinquency proceeding or a person under the age of 18 involved in a JIPS proceeding.
15. YASI: Youth Assessment and Screening Instrument: the risk assessment tool, adopted by the Wisconsin Department of Children and Families, which measures youth level of risk, needs, and protective factors to guide decision-making and assists in the development of targeted case plans and assignment of resources.

7.04 CUSTODY INTAKE

1. GENERAL GUIDELINES:

- a. All custody intakes shall be initiated by law enforcement, or an Intake Worker as defined in § 48.19 and § 938.19.

- b. When law enforcement is initiating a custody intake, the Intake Worker shall not be contacted until it has been determined that the person cannot be released. It is acceptable for law enforcement to consult with the Intake Worker to make this decision, with the understanding that law enforcement is ultimately responsible for deciding if the person should be released or delivered to an Intake Worker.
- c. If law enforcement is initiating custody, the law enforcement officer shall be required to complete the Request for Temporary Physical Custody (TPC) form before the person is delivered to the Intake Worker.
- d. The recommendation of the initiating agency concerning either the necessity of a hold or the proper placement is not binding on the Intake Worker decision and should be considered only with caution. The Intake Worker must make a reasoned, independent decision on both the holding of a person and the proper placement.
- e. The Custody Intake hearing shall be done by a Juvenile Court Commissioner. If a Juvenile Court Commissioner is not available, then the custody intake hearing shall be done by the Intake Circuit Court Judge.

2. JURISDICTION – CHAPTER 48:

- a. The court maintains exclusive original jurisdiction over children alleged to be in need of protection or services under circumstances outlined in § 48.13. The Intake Worker shall determine what jurisdictional basis exists under § 48.13.

3. JURISDICTION - CHAPTER 938:

- a. The initiating agency shall attempt to establish if the person is subject to original adult court jurisdiction or the juvenile court.
- b. If the person is not subject to original adult court jurisdiction, the Intake Worker shall determine what jurisdictional basis exists for the requested hold under Chapter 938.
- c. Persons subject to Original Adult Court Jurisdiction shall be handled as indicated in § 938.183(1).
 - i. Initial arrest: If law enforcement arrests a youth aged 16 or under for an adult court jurisdiction matter and law enforcement intends to hold the defendant in custody pending a bail/bond hearing, the defendant must be held in a juvenile secure detention facility.

- a. Intake may be contacted to assist in locating a juvenile secure detention facility. Intake shall not have the authority to overrule the law enforcement decision to hold the defendant in secure custody.
 - b. A defendant arrested without a warrant and held under this rule is entitled to a probable cause determination within 48 hours of the arrest.
 - c. A defendant arrested and held under this rule is entitled to a bail/bond hearing under Chapter 969.
 - d. A defendant arrested and held under this rule is not entitled to a juvenile court custody hearing under § 938.20.
 - e. The Manitowoc County Sheriff's Office is responsible for all costs related to housing a youth in a juvenile secure detention facility for an adult court jurisdiction matter.
- ii. In the event an immediate determination cannot be made whether the youth is subject to original adult court or juvenile court jurisdiction, any person aged 16 or under shall be presumed to be subject to juvenile court jurisdiction until intake or the court is satisfied otherwise. The Intake Worker shall decline to make a custody determination in a case if the Intake Worker knows of his or her own knowledge that the person is not subject to juvenile court jurisdiction.
 - iii. Any defendant who is subject to original adult court jurisdiction may be transferred to the county jail upon his or her 17th birthday.
 - iv. No further court order is needed to effectuate such a transfer. Law enforcement shall be responsible for transporting the youth from the juvenile secure detention facility to the county jail.

4. HOLDING A PERSON IN CUSTODY – CHAPTER 48:

- a. Even if jurisdiction exists, an Intake Worker shall make every effort to release the person from custody. The Intake Worker shall base the decision on holding or releasing a person on criteria under § 48.205.
- b. If the best interests of the child require removal, lower levels of restriction must always be considered and rejected before considering a higher level of restriction. Available nonsecure placements are set forth in § 48.207(1)(a)-(L). (with (a) being the least restrictive).
- c. Within a home or relative placement, conditions may be required as a more restrictive placement without requiring placement at the next statutory level.

- d. Placement in a location that is primarily used for the detention of delinquent children is not allowable per § 48.207(3).
- c. Placement in secure detention is governed by § 48.208 but is not advisable in chapter 48.

5. HOLDING A PERSON IN CUSTODY – CHAPTER 938:

- a. Even if jurisdiction exists, an Intake Worker shall make every effort to release the person from custody. The Intake Worker shall base the decision on holding or releasing a person on criteria under § 938.205. The Intake Worker shall use a DRAI (detention risk assessment instrument) to assist in making this decision. If an override or override is sought, the Intake Worker shall gain approval from a supervisor. The following should also be considered:
 - i. If removal from the home is not necessary to protect citizens from crime, the intake worker shall consider whether an in-home placement with conditions is acceptable or reasonable.
 - ii. If protection of citizens requires removal, lower levels of restrictions should be considered before considering a higher level of restriction, except in the case of those crimes as defined by § 938.208(1)(a)-(c). Available nonsecure placements are set forth in § 938.207(1)(a)-(k) (with (a) being the least restrictive).
 - iii. Within a home or a relative placement, conditions or home detention rules may be required as a more restrictive placement without requiring placement at the next statutory level.
 - iv. Placement in a secure facility is governed by § 938.208.

6. CUSTODY HEARING AND PETITION – CHAPTER 48:

- a. A copy of the Temporary Physical Custody (TPC) form, along with any supporting documentation shall be provided to the Manitowoc County Corporation Counsel's office as soon as possible, but no later than 10:00 am of the day of the Temporary Physical Custody (TPC) hearing is held. It is required that a petition be filed by the time of the custody hearing unless there are grounds for an extension.
- b. § 48.21 requires custody hearings to be held within 48 hours of the time the decision to hold the child was made, excluding Saturdays, Sundays, and legal

holidays. Legal holidays are defined under § 995.20 and time computation under § 990.001(4)(e).

- c. No person shall be automatically released from custody due to a custody hearing not held in a timely fashion as defined by § 48.315.
- d. If a petition under Chapter 48 has not been filed by the time of the custody hearing and the statutory grounds exist for an extension of time to file a petition, a petition must be filed within 48 hours from the time of the hearing, excluding Saturday, Sunday, and legal holidays.
- c. If a person has been taken into custody and placed in a secure or nonsecure placement, but no request for a hearing on the custody has been made, the custody shall automatically terminate, and the person released from custody.
- f. The court will order a (CASA) Court-Appointed Special Advocate if it would be in the best interest of the child under § 48.236.

7. CUSTODY HEARING AND PETITION – CHAPTER 938:

- a. A copy of the Temporary Physical Custody (TPC) form, along with the Court Referral form and all supporting documentation shall be provided to the Manitowoc County District Attorney's Office (and the Intake Worker if initiated by law enforcement) as soon as possible but no later than 10am on the day the Temporary Physical Custody hearing is held. The Intake Worker's written recommendation shall be distributed to all parties by noon on the day of the Temporary Physical Custody hearing. It is required that a petition be filed by the time of the custody hearing, unless there are grounds for an extension. Petitions should be distributed by the Clerk of Court's office to the Intake Worker and the Public Defender's office.
- b. § 938.21 requires a custody hearing to be held within 24 hours after the end of the day that the decision to hold the juvenile was made, excluding Saturdays, Sundays, and legal holidays. Legal holidays are defined under § 995.20 and time computation under § 990.001(4)(e).
- c. No person shall be automatically released from custody due to a custody hearing not held in a timely fashion as defined by § 938.315.
- d. If a petition under Chapter 938 has not been filed by the time of the custody hearing and the statutory grounds exist for an extension of time to file a petition, a petition must be filed within 48 hours from the time of the hearing, excluding Saturday, Sunday, and legal holidays.

- e. If a person has been taken into custody and placed in a secure or nonsecure placement, but no request for a hearing on the custody has been made, the custody shall automatically terminate, and the person released from custody.

7.05 COURT INTAKE

1. GENERAL GUIDELINES:

- a. All intake referrals governed by § 48.24(1) or § 938.24(1), are to be submitted in writing on the appropriate forms.
- b. All intake referrals under § 48.24(1) or § 938.24(1), shall result in an inquiry conducted by an Intake Worker on behalf of the court as designated by the Manitowoc County Board of Supervisors.
- c. Law enforcement making a referral may make a recommendation concerning the youth under § 48.24(5) and § 938.24(5), but that recommendation is not binding on the Intake Worker.
- d. Except as set forth elsewhere in this rule, the Intake Worker shall always consider the possibility of an Informal Disposition Agreement (IDA) under Chapter 48 or a Deferred Prosecution Agreement (DPA) under Chapter 938 when doing so would not unduly depreciate the seriousness of the matter.
- e. The Intake Worker may dispense with conducting an intake inquiry in those cases in which the Intake Worker is satisfied that the best interest of the youth/child or the interest of the public require an immediate decision. In such cases the Intake Worker must notify the youth/child and parents of their rights under Chapter 48 and 938 in writing.

2. COURT INTAKE – CHAPTER 48:

- a. Prior to an inquiry, the Intake Worker shall personally inform parents, expectant mothers and children 12 years of age or older, who are the focus of an inquiry of their basic rights and that the referral may result in a petition to the court as outlined in § 48.243(1), (3) and (4). No child or other person may be compelled to participate in an intake inquiry.

3. COURT INTAKE – CHAPTER 938:

- a. Prior to conducting an intake inquiry, the Intake Worker shall personally inform the youth and parents who are the focus of an inquiry of their basic rights and that

the referral may result in a petition to the court as defined § 938.243(1). No youth or parent can be compelled to participate in an intake inquiry.

- b. An intake inquiry for consenting youth ages 10 and older should include the use of the Youth Assessment Screening Instrument (YASI) to match youth with the most effective level and type of supervision and services. The Youth Justice Standards Division of Safety and Permanence, October 2023 regarding the utilization of the YASI for intake decision making and case planning should be followed by the Intake Worker.
- c. Consistent with § 938.01(2)(c), youth identified as low risk to reoffend by the YASI should be considered for diversion.
- d. The Intake Worker may consider recommending a Deferred Prosecution Agreement in § 938.24(4) and (5), and § 938.245(1) and (1m) in the following circumstances:
 - i. The facts persuade the Intake Worker that the jurisdiction of the court, if sought, would exist.
 - ii. The Intake Worker has determined that neither the interest of the youth nor of the public requires filing of a petition.
 - iii. The youth and the youth's parents' consent and agree to the terms of the DPA.
 - iv. When the youth admits to the allegation(s)
 - v. When the allegation(s) is not a Class A or B Felony
 - vi. After giving consideration to prior adjudications and DPAs for the youth.
 - vii. After all of the victims have been given the opportunity to confer with the Intake Worker concerning the proposed DPA.
- e. Information gathered during the intake process shall not be used for the purposes of adjudication of the youth. The purpose of the intake process is to assess the needs and circumstances of the youth to determine appropriate services and interventions for disposition.
- f. An intake referral under § 938.24(1) is not required if the youth has been transferred to juvenile court by an adult court pursuant to a reverse waiver under § 973.032(2) or § 971.31(13).

7.06 PLEA HEARINGS

1. GENERAL GUIDELINES – CHAPTER 48

The hearing to determine whether any party wishes to contest an allegation that the child or unborn child is in need of protection or services under § 48.13. This shall take place on a date which allows reasonable time for the parties to prepare but is within 30 days after the filing of a petition for a child. Any child who is 12 years of age or older and competent to do so, shall state whether they desire to contest the petition. Any child who is 12 years of age or older is required to appear in court, although his or her presence can be waived by his or her attorney. Any child who is 12 years of age or older shall be appointed a Public Defender. All children shall be appointed a guardian ad litem to represent their interests.

2. GENERAL GUIDELINES – CHAPTER 938

The hearing to determine the youth's plea to a petition under § 938.12, 938.13 (12) or (14) or to determine whether any party wishes to contest an allegation that the youth is in need of protection or services under § 938.13 (4), (6), (6m), or (7) shall take place on a date which allows reasonable time for the parties to prepare but is within 30 days after the filing of a petition for a youth who is not being held in secure custody or within 10 day after the filing of a petition for a youth who is being held in secure custody.

3. COMPETENCY – CHAPTER 938

If the court has found probable cause to believe that the youth has committed the alleged offense and has reason to doubt the youth's competency to proceed, the hearing to determine whether the youth is competent to proceed shall be held no more than 10 days after the plea hearing for a youth who is held in secure custody and no more than 30 days after the plea hearing for a youth who is not held in secure custody, under § 938.30.5(a).

- a. If there is probable cause to believe that a youth committed the alleged offense and there is reason to doubt the youth's competency to proceed, the court shall order an exam under § 938.295 and complete Wisconsin Circuit Court form JD-1732, Order for Examination or Assessment. A concern for competency can be raised by any involved party.
- b. The court shall specify the date by which the report must be filed to allow for a reasonable opportunity for involved parties to review the report prior to the hearing to determine competency.
- c. The hearing to determine whether the youth is competent to proceed shall be held no more than 10 days after the plea hearing for a youth who is held in secure

participating in the appropriate services related to their mental capacity to understand the proceedings and assist in her or her defense. In rare circumstance, dispositions could include services necessary to ensure the safety of the youth and/or public, including rules of supervision and placement if needed.

- e. Upon a commitment under § 51.20(1) or a disposition order under § 938.13(14), there shall be periodic reexaminations submitted to the court every 3 months and within 30 days of the expiration of the commitment or dispositional order. Reexamination reports shall indicate one of the following:
 - i. The youth has become competent. In this case, the court shall hold a hearing within 10 days to determine whether the youth is competent. If the court determines that the youth is competent, the court shall terminate the youth's commitment or dispositional order and resume the proceedings.
 - ii. The youth remains incompetent but that attainment of competence is likely within the remaining period of the commitment or dispositional order. If the court determines the youth is likely to become competent, reexaminations should continue every 3 months and within 30 days of the expiration of the commitment or dispositional order.
 - iii. That the youth has not made such progress that attainment of competency is likely within the remaining period of the commitment or dispositional order. The original petition shall remain suspended but pending until the youth is found to be competent or the District Attorney's office dismisses the petition. Only the District Attorney's office has the authority to dismiss the petition.

7.07 NOTICE TO VICTIMS OF YOUTHS' ACTS

Manitowoc County understands the importance of a balanced and restorative justice approach which aims to hold youth accountable while also giving victims and community a voice in the process.

Subject to § 938.346(1m) and (3), the Intake Worker and the victim-witness coordinator in the District Attorney's office shall be responsible for providing to each known victim of a youth's act, notice of the information required in § 938.346.

Victims shall be allowed to confer with the Intake Worker, an attorney in the District Attorney's office or the victim witness coordinator regarding deferred prosecution agreements, amendments to petitions, consent decrees and disposition recommendations. Victims may also discuss with the victim-witness coordinator any other questions they have relating to the juvenile proceeding in which they are involved.

For additional information related to Victim's Rights, see Victim's Rights, Duties and Responsibilities, a document created by the Wisconsin Department of Justice, Office of Crime Victim Services.

For a hearing under § 938.12, the Intake Worker shall notify the victim of the time and place of the hearing.

7.08 NOTICE OF RIGHTS, OBLIGATIONS, AND POSSIBLE DISCLOSURES TO CHILD/YOUTH AND PARENTS

Subject to § 938.243(1)(ag-h) and (1m) and § 48.243(1)(a-h) and (3):

1. If a custody hearing is held:
 - a. At the commencement of the custody hearing, the court shall advise the youth and parent(s) of their rights, obligations and possible disclosures. The court may supplement the verbal recitation by providing the child/youth and parent(s) who attend with an appropriate form.
 - b. If a parent does not attend the custody hearing and the address of the non-attending parent is known, the Juvenile Court Clerk shall send a copy of the written form to the parent at the conclusion of the hearing.
 - c. If signed, the signed copy of the form shall be filed in the court file. If the youth or parent(s) did not sign, the Juvenile Court Clerk shall file a copy of the form with a notation as to the person(s) and date(s) on which the notice was provided.
2. At an intake inquiry:
 - a. At the commencement of the intake inquiry, the Intake Worker shall advise the youth and parents of their rights, obligations and possible disclosures. The Intake Worker shall do so by providing the child/youth and parent(s) who attend with the appropriate form. Notice is considered properly given whether or not the recipients sign the signature block on the form.
 - b. If a parent does not attend the intake inquiry and the address of the non-attending parent is known, the Intake Worker shall send a copy of the written form to the parent at the conclusion of the intake inquiry.
 - c. If signed, the signed copy of the form shall be filed in the Intake Worker's file. If the child/youth or parent(s) did not sign, the Intake Worker shall file a copy of the form with a notation as to the person(s) and date(s) on which the notice was provided.

7.09 DISPOSITION – GENREAL GUIDELINES

- a. Manitowoc County Human Services shall be the agency primarily responsible for implementing court dispositional orders involving case planning and case management.
- b. Unless otherwise approved by the Court, all court reports shall be in writing and include information as indicated in § 938.33 or § 48.33 and shall be completed and e-filed with the court as soon as possible before the hearing, but not less than two working days before the scheduled dispositional hearing, except, as stated in § 938.33, a court report may be presented orally where a fine is the only requested adjudication. The agency completing the court report related to proceedings in Chapter 938 shall transmit copies of the court report to the youth and youth's parents. The agency completing the court report related to proceedings in Chapter 48 shall transmit copies of the court report to any child age 12 or older and the child's parents.
- c. In both child protection and youth justice cases, tailored conditions are encouraged and are meant to capture the specific behavior changes needed to ensure child and community safety, thereby aiding in families/youth successfully exiting the formal system. Tailored dispositional orders include conditions that are:
 - i. Tailored to the circumstances of the individual family
 - ii. Responsive to the culture, race, and/or ethnicity of the family
 - iii. Least intrusive so that the level of disruption to the family is minimized
 - iv. Attainable and realistic for parents/youth to successfully achieve
 - v. Shorter and use simplified wording that will be less overwhelming for youth and families
 - vi. Prioritized and focused on underlying issues
 - vii. Behavior-focused, oriented towards observable conditions, and include services aligned with needs, as opposed to expecting compliance with a service
 - viii. Measurable, with transparent measurement criteria for youth and families

7.10 JURISDICTION AND VENUE – WISCONSIN INTER-COUNTY AGREEMENT CHIPS, JIPS AND YOUR JUSTICE CASES

1. Dispositions involving youth who are not residents of Manitowoc County shall be coordinated through the Manitowoc County Human Services Department. Most counties in Wisconsin, including Manitowoc County, have entered into an agreement which provides guidelines related to Jurisdiction and Venue on Delinquency and CHIPS matters [Wisconsin Inter-County Agreement CHIPS, JIPS and Youth Justice

Cases (2023)]. This agreement provides a procedural structure that supports and facilitates open communication and collaboration between county human service and social service departments and the DCF Division of Milwaukee Child Protective Services when decisions must be made regarding:

- a. CPS Access
 - b. CPS Initial Assessment
 - c. Juvenile Court Intake
 - d. Case Transition between counties
 - e. Courtesy Supervision
 - f. Placement
 - g. Funding responsibility
 - h. Jurisdiction
 - i. Venue
 - j. Other inter-county issues under Chapters 48 and 938 of the Wisconsin Statutes
2. If a matter has been transferred from another county to this county for a dispositional hearing, the dispositional hearing shall be set within 30 days of the receipt of the transfer documents from the other county. If the agency preparing the court report has not had any prior experience with the youth, the agency may request an extension for preparation of the court report.

7.11 DISPOSITIONAL ORDER RESPONSES – CHAPTER 938

Manitowoc County recognizes that youth, whose brain and judgment are still malleable, are best influenced to change individual or patterns of behavior through a balance of incentives and sanctions emphasizing use of incentives by a ratio of 4:1. Furthermore, a graduated system of responses to both constructive and destructive behavior can be effective. When determining the appropriate response, the youth's responsivity factors, input from the youth and family, and the impact on the youth's desired behavior change should be considered.

Manitowoc County recognizes that the use of secure detention as a sanction is ineffective on long-term behavior change and can cause trauma.

All requests for sanctions, including but not limited to placement in secure detention, require a hearing before the Circuit Court Judge. A 72 hour hold under § 938.355(6d) is not termed a sanction for purposes of this provision. All 72 hour holds must be approved by a supervisor.

7.12 EXTENSIONS OF DISPOSITIONAL ORDERS

1. The agency primarily responsible for implementation of a dispositional order shall notify the court at least thirty days prior to the termination of an order if the agency will seek to extend the dispositional order. Corporation counsel or the Clerk of Court shall ensure that copies of the Petition shall be sent to all parties entitled to notice.
2. The agency may revise its decision after giving such notice if it determines that the original decision was incorrect based on reconsideration of new factors.
3. A request to extend a dispositional order received during the thirty-day period immediately prior to the termination of the order may be accompanied by a request for a temporary thirty-day extension under § 48.365(6) or § 938.365(6) Wisconsin Statutes, in order to schedule a hearing.
4. The court shall schedule an extension hearing in all cases where a request for an extension is filed. If the extension request is filed during the thirty-day period immediately prior to the termination of the order, the court shall attempt to schedule the case before the termination date. If the court cannot schedule the matter before the termination date, the court will grant the request for a temporary thirty-day extension under § 48.365(6) or § 938.365(6).
5. All extensions of a dispositional order shall take effect on the date of the hearing on the extension unless otherwise ordered by the Court.

7.13 REQUESTS BY VICTIMS OR INSURANCE COMPANIES OF VICTIMS FOR DISCLOSURE OF YOUR IDENTITY AND POLICE RECORDS

1. All requests by victims or the insurance companies of victims for disclosure of the youth's identity and police records shall be referred to the law enforcement agency responsible for the investigation.
2. The insurance company of a victim shall be entitled to know the amount of restitution a court has ordered be paid on behalf of the victim if a request to the juvenile court clerk is made pursuant to § 938.396(2g)(fm).

7.14 REQUESTS TO REVIEW COURT FILED INVOLVING YOUTHS

1. All requests for review of court records involving a juvenile shall be in writing.
2. The juvenile court clerk shall make available upon request the appropriate forms for requesting such information.
3. If a request is made by a juvenile, parent, guardian or legal custodian under § 938.396(2g)(ag) or (am), before release of any information requested, the juvenile court clerk shall review the file and make an initial determination whether release of that information might result in imminent danger to anyone. If the juvenile court clerk believes such a result might occur, the juvenile court clerk shall either:
 - i. Refer the matter to the judge assigned to that case for a determination as to whether a hearing shall be held on the release, or,
 - ii. Prepare a version of the information requested with the potentially dangerous information blocked out. The requester may bring a motion to the court if the requester believes the information should not have been blocked.
4. Requests pursuant to § 938.396(2m)(a): If a request is for access to juvenile court records made by any person under § 938.396(2m)(a) for juveniles alleged to have committed an offense enumerated in § 938.34(4h)(a) (Serious Juvenile Offender crimes), the juvenile court clerk shall before releasing the file for inspection:
 - i. Determine if the juvenile is alleged to have committed a crime specified in § 938.34(4h)(a), and, if so,
 - ii. Remove from the file all reports under § 938.295 (physical, mental, psychological, or developmental examination reports) or § 938.33 (court dispositional reports) or other records that deal with sensitive personal information of the juvenile and the juvenile's family. If the juvenile court Clerk has questions concerning the appropriateness of releasing any information, the matter shall be referred to the judge assigned to the that case for a determination.
5. Requests pursuant to § 938.396(2m)(b): If a request is for access to juvenile court records of a juvenile alleged to be delinquent for committing a felony after a prior delinquency adjudication, the juvenile clerk shall:
 - i. First, make all of the following determinations:
 - a. That the juvenile is currently charged with a felony.
 - b. That the juvenile was adjudicated delinquent for any crime at any time before the commencement of the felony proceeding.
 - c. That the previous adjudication remains of record and has not been reversed.

- ii. Second, if all of the above have been found to exist, the juvenile clerk before releasing the file for inspection shall remove from the file all reports under § 938.295 (physical, mental, psychological, or developmental examination reports) or § 938.33 (court dispositional reports) or other records that deal with sensitive personal information of the youth and the youth's family. If the juvenile court clerk has questions concerning the appropriateness of releasing any information, the matter shall be referred to the judge assigned to the that case for a determination.
6. For any request made in 3-5 above, the Judge will make the final order related to the release of records. The Juvenile Clerk is responsible for preparing and presenting the order to the Judge for a final decision.
7. No copies of any court records shall be made or provided to any person requesting access to the records of a youth.
8. All requests for access to court records shall be responded to, in writing, within 48 hours of the request.
9. Intake files retained by the juvenile Intake Worker are not considered court files for the purposes of this rule.

7.15 DELINQUENCY PROCEEDINGS COMMENCED BY A REVERSE WAIVER

1. All requests for review of court records involving a juvenile shall be in writing.
2. The juvenile court clerk shall make available upon request the appropriate forms for requesting such information.
3. If a request is made by a juvenile, parent, guardian or legal custodian under § 938.396(2g)(ag) or (am), before release of any information requested, the juvenile court clerk shall review the file and make an initial determination whether release of that information might result in imminent danger to anyone. If the juvenile court clerk believes such a result might occur, the juvenile court clerk shall either:
 - a. Refer the matter to the judge assigned to that case for a determination as to whether a hearing shall be held on the release, or
 - b. Prepare a version of the information requested with the potentially dangerous information blocked out. The requester may bring a motion to the court if the requester believes the information should not have been blocked.
4. Requests pursuant to § 938.396(2m)(a): If a request is for access to juvenile court records made by any person under § 938.396(2m)(a) for juveniles alleged to have

committed an offense enumerated in § 938.34(4h)(a) (Serious Juvenile Offender crimes), the juvenile court clerk shall before releasing the file for inspection:

- a. Determine if the juvenile is alleged to have committed a crime specified in § 938.34(4h)(a), and, if so,
 - b. Remove from the file all reports under § 938.295 (physical, mental, psychological, or developmental examination reports) or § 938.33 (court dispositional reports) or other records that deal with sensitive personal information of the juvenile and the juvenile's family. If the juvenile court Clerk has questions concerning the appropriateness of releasing any information, the matter shall be referred to the judge assigned to the that case for a determination.
5. Requests pursuant to § 938.39(2m)(b): If a request is for access to juvenile court records of a juvenile alleged to be delinquent for committing a felony after a prior delinquency adjudication, the juvenile clerk shall:
 - a. First, make all of the following determinations:
 - i. That the juvenile is currently charged with a felony.
 - ii. That the juvenile was adjudicated delinquent for any crime at any time before the commencement of the felony proceeding.
 - iii. That the previous adjudication remains of record and has not been reversed.
 - b. Second, if all of the above have been found to exist, the juvenile clerk before releasing the file for inspection shall remove from the file all reports under § 938.295 (physical, mental, psychological, or developmental examination reports) or § 938.33 (court dispositional reports) or other records that deal with sensitive personal information of the youth and the youth's family. If the juvenile court clerk has questions concerning the appropriateness of releasing any information, the matter shall be referred to the judge assigned to the that case for a determination.
6. For any request made in 3-5 above, the Judge will make the final order related to the release of records. The Juvenile Clerk is responsible for preparing and presenting the order to the Judge for a final decision.
7. No copies of any court records shall be made or provided to any person requesting access to the records of a youth.
8. All requests for access to court records shall be responded to, in writing, within 48 hours of the request.
9. Intake files retained by the juvenile Intake Worker are not considered court files for the purposes of this rule.

7.16 DUTIES OF THE JUVENILE CLERK OF COURT IN HANDLING CHIPS PETITIONS FILED BY THE COUNSEL OR GUARDIAN AD LITEM FOR A PARENT, RELATIVE, GUARDIAN OR CHILD, OR DIRECTLY BY SUCH A PERSON ACTING WITHOUT AN ATTORNEY

1. The Juvenile Court Clerk shall not accept for filing any petition under § 48.13, § 48.133, or § 48.14, presented by anyone other than Corporation Counsel. If a petition is presented by anyone else, the Juvenile Court Clerk shall refer the matter to the Intake Worker § 48.24, which requires that information indicating that a child should be referred to the court shall first be referred to the Intake Worker. However, § 48.25, authorizes the counsel or guardian ad litem for a parent, relative, guardian or child to file a petition. It is important that the Intake Worker be provided the opportunity to make an inquiry first, this ensures that there is a proper basis for the filing of a petition.
2. Upon receipt of any such petition the Juvenile Court Clerk shall refer the matter to the juvenile Intake Worker for an intake inquiry.
3. Any petition filed contrary to this rule may be dismissed without prejudice pending the intake inquiry. This will allow for investigation and avoid conflicting timelines of intake investigation and time limits on petitions.