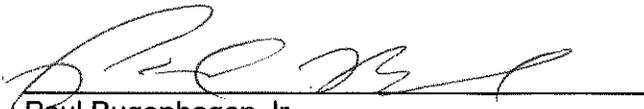


Dated at Waukesha, Wisconsin the 20 Day of January, 2026

BY THE COURT:



Paul Bugenhagen Jr.
Chief Judge

STATE OF WISCONSIN

CIRCUIT COURT
THIRD JUDICIAL DISTRICT

WAUKESHA COUNTY
26-SO-01 (67)

IN THE MATTER OF:
Adoption of the revised
Local Family Court Division Rules

ORDER

WHEREAS, the Waukesha County Judges, on January 20, 2026, approved the revisions to the entire Waukesha County Family Division local rules; and

WHEREAS, the Chief Judge of the Third Judicial Administrative District, under SCR 70.21(15e) and section 753.35(1)&(2) Wis. Stats., has authority to approve local circuit court rules; and

NOW, THEREFORE IT IS ORDERED that effective January 21, 2026, the attached Waukesha Family Division local rules replaces all prior changes

**Waukesha County Family Court Division
Local Court Rules**

Last Revision: November 18, 2025

Effective: January 21, 2026

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Rule 1: Filing, Assignment, & Scheduling

1.1 Filing

All actions affecting the family as defined in Chapter 767, Wis. Stats., must be filed in the family division office of the Clerk of Courts. Copies of pleadings must be accompanied by the payment of the appropriate statutory fee. The filer must retain the original documents. Proof of service of pleadings must be filed with the family division office within the statutory time limit.

1.2 Case Assignment

All family cases will be assigned to a family division judge using a primarily random system approved by the chief judge of the Third Judicial Administrative District. The Clerk of Courts will promptly identify the assigned judge on the pleading.

1.3 Approval of Indigence Applications

Family division judges or court commissioners will consider and appropriately act upon any affidavit of indigence as provided in §814.29, Wis. Stats., for any matter filed in the family division.

1.4 Adjournments

Absent exigent circumstances, any request for an adjournment must be made in writing, specify the reason for such request, and confirm service on all parties. The requestor should attempt to confer with all other parties and provide notice to the Court of the parties position to the request. A scheduled hearing may be adjourned only by the assigned judge or court commissioner.

1.5 Scheduling of Pre-Trial Conferences and Trials

A Pre-trial Conference will be scheduled for shortly more than 120 days after filing proof of service upon the respondent in actions for divorce, legal separation or annulment, or filing of the action for a joint petition. A standard Pretrial Order will be used. Absent good cause, parties must file a Financial Disclosure Statement with the court before the Pretrial Conference, as per the Pretrial Order and Wisconsin Statutes.

Contested divorce trials will be scheduled only upon completion of a Pretrial Conference and a status conference before the assigned judge.

1.6 Facsimile Transmission of Documents to the Court

(1) A facsimile document transmitted directly to the Court will be accepted for filing only if all the following criteria are met:

(a) The party submitting the document to the Court is not a voluntary eFiler or an individual required to use the electronic filing system pursuant to Wis. Stat § 801.18(3);

(b) The party submitting the document complies with all statutes and local rules regarding communications to the Court (see Civ. L. R. 1.2 and 1.5) and service;

(c) The document does not exceed 15 pages in length excluding cover sheet. A cost of \$3.00 per page above the limit will be assessed unless an exception has been approved by the assigned judge or court commissioner on a case-by-case basis. The party or attorney must certify that the assigned judge or court commissioner has approved the exception to the 15-page limit;

(d) No filing fee is required for the filing of the document.

(2) Facsimile documents transmitted to a non-court agency, party, or company for the receipt, transmittal, and delivery to the Clerk of Circuit Court will be accepted for filing only if the transmission complies with this local rule or has been approved by the family court judge or court commissioner and certified by the transmitting party or attorney.

(3) The party transmitting the 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 when a Clerk of Circuit Court's facsimile machine is not operational for any reason.

(4) If a document is transmitted by facsimile machine, no additional copies may be filed with the Clerk of Circuit Court. The Clerk of Circuit Court will discard all duplicate papers subsequently received by the Clerk of Circuit Court, assigned family judge, or court commissioner. Original documents are to be maintained by the transmitting party or his/her attorney.

(5) Pursuant to Wis. Stat. § 801.16(2)(f), documents filed 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 pm CST, as recorded by the Clerk of Circuit Court's facsimile machine. Documents submitted by facsimile transmission after 11:59 pm are considered filed the next business day.

1.7 Remote Hearings

(1) The Court, in its discretion, may utilize videoconferencing or telephone conferencing in lieu of in-person appearances. Parties must appear in person for all hearings unless otherwise approved by the Court. The Notice of Hearing will state if parties may appear via video or telephone conferencing. The Clerk of Circuit Court will maintain a working online calendar of remote meeting login IDs and passcodes for each court, which may be shared with members of the bar but will not otherwise be publicly circulated. Passcodes may not be shared with non-parties, unless approved by the Court.

(2) Remote hearings are formal court proceedings, and participants are subject to contempt of court for non-compliance with court rules. Attorneys, litigants and witnesses must all comport themselves to all applicable remote hearings rules. Non-party members of the community seeking to observe a remote hearing must first seek permission of the Court in writing. All

parties must dress and conduct themselves as if physically present in the courtroom. Parties must appear by both video and audio means unless otherwise approved by the Court. Parties, witnesses and attorneys must display their full first and last name electronically so that the Court can clearly identify each participant. Parties are responsible for ensuring appropriate lighting and audio during the hearing, and that there are no inappropriate backgrounds or distractions. Any recording of a remote hearing, other than by the court reporter or official court audio recording system, is prohibited.

(3) All parties who provide their cellular telephone number to the Court and have not opted out from receiving updates will receive a text message reminder at least 24 hours prior to the hearing with login information.

(4) Further instructions for how to appear remotely can be found Under General Court Links here: <https://www.waukeshacounty.gov/circuit-courts/information-pages/research-links/#GeneralCourtLinks>.

1.8 Interpreters

(1) If a party or witness needs the assistance of an interpreter for a hearing, the party or his/her attorney or the party calling the witness must submit a written request using state form GF-149 for an interpreter ten (10) business days in advance of the hearing to permit the retention and appearance of an interpreter.

(2) If an interpreter is requested for a hearing, the parties to the case must notify the Court within ten (10) business days of the hearing if there is a request to adjourn or cancel the hearing because, among other things, the case resolved. If an interpreter is requested for any hearing, the parties to the case must notify the Court within ten (10) business days of the trial if there is a request to adjourn or cancel the trial. Failure to comply with this rule or the failure to resolve a matter by a court-ordered deadline contained in a pretrial order may result in the Court imposing costs upon the parties.

Rule 2: Motion Hearings

2.1 Subject Matter Identification

All motions and Orders to Show Cause must contain on the first available page a statement identifying the relief sought and the legal justification for the requested relief.

2.2 Pre-Judgment Matters

A Pre-Judgment Motion or Order to Show Cause seeking temporary orders regarding, without limitation, legal custody, physical placement of children, vacation of premises, support, maintenance, attorney fees, payment of debt, and possession of personal property, will ordinarily

be scheduled before a court commissioner. Orders to Show cause must be approved by a judge or court commissioner.

2.3 Post-Judgment Matters

A Post-Judgment Motion or Order to Show Cause will be scheduled for a hearing after payment of the appropriate statutory fee. Post-judgment matters may be assigned based upon calendar availability to either a court commissioner or the family division judge assigned to the case file.

2.4 De Novo Review of Court Commissioner Decisions

Any party present or represented by counsel at a hearing before a court commissioner may seek a new hearing before the assigned judge upon filing of a Motion for De Novo Review. A Motion for a De Novo hearing must be filed within twenty (20) calendar days of the oral decision of the court commissioner, or within twenty (20) calendar days of the mailing of a written decision or order by the court commissioner if the decision or order was not given orally by the court commissioner at the time of the hearing. Findings and orders entered by a court commissioner upon stipulation or default are not subject to de novo review. Twenty (20) calendar days are counted consecutively and include weekends and holidays pursuant to Wis. Stat. § 801.15(1).

2.5 Financial Disclosure Statements

A motion or Order to Show Cause seeking to establish or modify child support, family support and/or maintenance must contain language requiring both parties to file prior to the hearing date a completed Financial Disclosure Statement/Income and Expense Statement with verification of income. Failure to comply with the filing of a completed Financial Disclosure Statement and/or Income and Expense Statement may result in dismissal of the matter, continuance, and/or assessment of costs.

2.6 Stipulated Temporary Orders

A stipulated Temporary Order providing for child support, family support and/or maintenance must contain the following information: the current addresses of both parties, the names and addresses of the parties' employers, the names, and birth dates of any minor children, and the language required by §767.58 and 767.57, Wis. Stats. The Social Security numbers of the parties and affected children must be on file in a confidential addendum, or otherwise provided.

2.7 Discovery

Rule Two, with the exception of 2.1 as to mediation, of the Civil Division's local court rules is incorporated herein by reference. Civil Division Local Court Rules can be found here: <https://www.waukeshacounty.gov/civilcourtrules>

2.8 Exhibits

Family Court Commissioner Hearings:

For all matters scheduled for hearing, all proposed exhibits must be e-filed with the Clerk of Courts office and made available by such filing or by providing copies to the opposing side at least 2 business days in advance. All exhibits must be pre-marked before the hearing. Petitioner/Joint Petitioner A/Movant must utilize exhibit numbers 1-99. Respondent/Joint Petitioner B must utilize exhibit numbers 100-199. The GAL (if any) must utilize number 200-299. The State of Wisconsin, if participating, must utilize exhibit numbers 300-399. Each proposed exhibit must be paginated for ease of reference, must have at least one-half inch top margin and must be in PDF format.

Any exhibit not clearly marked and filed within two business days in advance of the hearing date **WILL NOT BE CONSIDERED** absent a showing of good cause. Failure to file and provide copies to opposing parties may result in the exhibit not being considered by the Court.

Family Judge Hearings:

Exhibits are to be filed pursuant to Trial Orders drafted by the Court.

Electronic Exhibits:

It is the responsibility of the parties to display exhibits using the Court's audio/visual technology. Court staff will not play any type of media or otherwise connect any technology to courtroom computers. Information on Courtroom Technology can be found here:
<https://www.waukeshacounty.gov/circuit-courts/information-pages/courtroom-technology/>

Rule 3: Income Assignments

3.1 Information for and Issuance of Income Assignment

An order establishing or modifying child support, family support or maintenance payments must be accompanied by the current name and address of the payor's employer together with any other information needed for an income assignment. An income assignment will issue upon application for IV-D services in child support cases, or if a Non IV-D/maintenance only case, upon payment of the income withholding processing fee to the Child Support Division.

3.2 Vacation or Maintenance of Income Assignment after 18th Birthday of Child

(1) Any income assignment for current child support must terminate on the last child's or only child's 18th birthday.

(2) If the child is still pursuing a high school education at the time of his/her 18th birthday, the child support agency must be provided with an updated and signed letter from the child's school, on school letterhead, stating the child is enrolled and attending classes, as well as the date of expected graduation. This letter must be provided to the child support office before the child's 18th birthday. A copy of the letter must be provided to any other party under the local eleven-day rule. Upon receipt of this letter and proof that a copy was provided to the other party, the income assignment for child support will be continued through the anticipated date of graduation, or to age 19, whichever occurs first.

(3) If the letter described in (2) above is received after the child's 18th birthday, the income assignment will be terminated unless a stipulation is filed or a court order obtained upon proper motion to the Court.

(4) If there exists an arrearage of unpaid child support at the time an income assignment would otherwise be terminated as described above, then such assignment will continue until the arrearage is paid.

Rule 4: Arrearages in Judgment of Divorce

Unless otherwise ordered by the Court, an arrearage from a child support, family support, and/or maintenance order which was entered prior to the granting of the Judgment of Divorce is carried forward and reflected as an arrearage in the Judgment of Divorce.

Rule 5: Findings of Fact Conclusions of Law, and Judgment

5.1 Final Papers

The Findings of Fact, Conclusions of Law and Judgement of Divorce, Legal Separation, or Annulment must be drafted by the petitioner or petitioner's attorney, unless mutually agreed otherwise, and must be submitted to the Court and filed with the Family Clerk of Court within thirty (30) days after judgment is granted. If the respondent is represented by an attorney, the Findings of Fact, Conclusions of Law and Judgment of Divorce must be submitted to the respondent's attorney for approval prior to filing with the Court. If the respondent is not represented by an attorney, the petitioner must submit the Findings of Fact, Conclusions of Law and Judgment of Divorce to the respondent for approval by countersignature under the eleven-day rule.

Final Marital Settlement Agreements must be appended to the Judgment of Divorce and must be incorporated by reference therein. The Findings of Fact, Conclusions of Law and Judgment of

Divorce must be filed with the Court. Upon approval of the Court at the final hearing, each party not registered to file electronically will be provided one copy of the signed documents.

5.2 Untimely Filing

If the Findings of Fact, Conclusions of Law and Judgment of Divorce, Legal Separation, or Annulment are not filed within thirty (30) days after the judgment is granted, the Family Clerk of Courts office will notice a hearing to dismiss the case.

Rule 6: Family Court Services

6.1 Referral

The Waukesha County Family Court Service agency (FCS) provides mediation and study services to help resolve legal custody and/or physical placement disputes in actions affecting the family. Parties may be referred to FCS by order of the Court.

Upon receipt of an order from the Court FCS will schedule a mediation date with the parties. During an initial session, the parties will meet with the mediator to define legal custody and/or physical placement issues which require resolution. The mediator will offer options for the parties' consideration in an effort to assist the parties in reaching a mutually acceptable agreement. In lieu of an agreement, the parties and the mediator will decide whether to continue mediation or refer the matter back to the Court.

If an agreement is reached in mediation, each party will receive a copy of the agreement. The parties' attorneys or advocate counsel, if any, and the guardian ad litem, if one is appointed, will also receive a copy of the agreement to prepare an order under § 767.405 (12)(a) to be filed with the Court. If there is not an attorney, FCS will send the Court the signed agreement and a proposed order for signature and filing. If mediation is unsuccessful, a letter which sets forth the status of the case will be sent to the Court, the parties' attorneys and the guardian ad litem. The Court may order the parties to cooperate in a study which addresses legal custody and/or physical placement issues in dispute.

6.2 Fees

Fees for mediation and a family study involving legal custody and/or physical placement are established by statute and County Board Ordinance. The current amounts will be available on the Clerk of Court's website or by calling the clerk's office.

Fees must be paid before services are provided, unless waived or otherwise ordered by the Court. Payment plans may be offered by the Court.

Rule 7: Guardians Ad Litem

7.1 Attorney List

Circuit Court Services maintains a list of attorneys who are seeking to accept Guardian ad Litem (GAL) appointments from the Court.

Any attorney who wishes to be included on this list must contact the Clerk of Courts Office to obtain the most current Waukesha County Circuit Courts Court Appointed Counsel Agreement and Compensation Agreement and submit all the required paperwork to be added to the list of attorneys.

Each family court division judge makes his/her own GAL appointments and individually reviews requests for compensation sought by a GAL.

7.2 Guardian Ad Litem Appointment

Any party may petition, in writing or on the record, to the assigned judge for appointment of a Guardian Ad Litem. Such request will be decided by the judge. Requests for the appointment of a GAL made to court commissioners will be forwarded to the assigned judge for their determination.

The parties will ordinarily be required to deposit a sum of money with the Waukesha County Clerk of Courts Business Office, and such sum will be held in trust by the clerk of courts office as security towards payment for the GAL. As payments are approved for disbursement to the GAL by the judge, additional deposits may be required.

The judge will determine how much each party must deposit and may allow payment plans. Payment plans may be negotiated with and administered by the Clerk of Courts Business Office.

7.3 Compensation

Guardians ad Litem must be compensated at the hourly rate set by the judge in the order of appointment, or subsequent amendment. If a party does not pay as ordered, the judge may order the county to pay the fees and seek reimbursement from the responsible party. In this event, the county will only pay at the Wisconsin Supreme Court Rule 81.02 established base rate. Any liability in excess of the base rate remains due to the GAL, who may pursue collection by Order to Show Cause or by requesting a money judgment against the party owing the fees.

7.4 Guardian Ad Litem Procedure-Fees

The Guardian ad Litem must send monthly billing statements to the parties. When the GAL's bill exceeds 75% of the ordered deposit amount, the GAL must send a letter to the Court with an affidavit setting forth the fees and a current billing statement.

The order will authorize the transfer of any funds held in trust by the county to the GAL. It will also order the parties to pay an additional deposit to the county in amounts determined by the judge. This procedure is to be followed each time the balance drops below 75% of the ordered initial deposit.

At the conclusion of the proceeding, the Court will enter an order assessing the liability of any balance owed to the GAL. Unless the Court orders otherwise, each party is responsible for 50% of the total gross fees due to the GAL. The county will return any unearned funds left in trust to the parties after the final billing statement has been paid

7.5 Termination of Duties

The duties and appointment of a GAL will terminate upon completion of the proceedings or upon the minor child reaching the age of majority, unless ordered otherwise.

Rule 8: Appraisals

8.1 Court Appointed Appraisers

In order to efficiently and fairly process cases, the Court may appoint appraisers to appraise assets such as real estate, physical personal property, or defined benefit pension rights.

8.2 Fees

Fees for a court appointed appraiser will be borne equally by the parties unless the Court orders otherwise.

8.3 Use of Reports and Calling as Witnesses

The report of a court appointed appraiser or one retained by stipulation of the parties or court-appointed, will be received into evidence at trial without the necessity of calling the appraiser to testify. Any party may, however, call the court-appointed appraiser to testify at that party's own expense. If calling the appraiser at trial, the party must give written notice to the other party(s) at least thirty (30) days prior to trial.

8.4 Separate Appraisals

A party may object to the report of the court-appointed appraiser and hire the party's own appraiser, provided written objection and notice is given to the court and the opposing party within fifteen (15) days after receipt of the court-appointed appraiser's report. The report of a party-retained appraiser must be furnished to the other party(s) at least thirty (30) days prior to the commencement of the trial or as otherwise ordered by the Court.

Rule 9: Submission of Orders and Judgments

Proposed orders, findings, or similar documents must be filed in Word format with a three-inch top margin on the first page to allow for the Court's signature block. A party filing a proposed order, findings or similar document must serve all parties with the document and advise the Court in writing whether the other parties approve the document or that it is filed under the 11-day rule contained herein. If there is no agreement on the form of the proposed submission, within eleven (11) calendar days from the date the proposed submission is filed any party objecting to it must file an alternative proposed version, along with a cover letter identifying the basis for the objection. Absent good cause, objections filed after expiration of eleven (11) calendar days are forfeited.