

WISCONSIN JUDICIAL BENCHBOOKS—MASTER INDEX

Note: References are to chapters from the five judicial benchbooks.

Abbreviation Key:

CR: *Criminal & Traffic Benchbook*—Criminal chapters

CV: *Civil Benchbook*

FA: *Family Benchbook*

GA: *Probate, Guardianship, and Mental Health Benchbook*—Guardianship chapters

JV: *Juvenile Benchbook*

MH: *Probate, Guardianship, and Mental Health Benchbook*—Mental Health chapters

PR: *Probate, Guardianship, and Mental Health Benchbook*—Probate chapters

TR: *Criminal & Traffic Benchbook*—Traffic chapters

A

Abortion

Waiver of parental consent for, JV 15

Abuse

Injunctive relief, FA 17

Administrative Decisions

Eminent domain, CV 34

Judicial review, generally, CV 30

Unemployment Insurance, CV 32

Worker's Compensation, CV 31

Zoning, CV 33

Adoption

Generally, JV 9

ASFA (Adoption and Safe Families Act), JV 9

Alternative Dispute Resolution (ADR)

Civil, scheduling conference, CV 4

Family cases, FA 3, FA 13

Annulments, FA 18

Arraignment, CR 9

Attachment Proceedings, CV 38

Attorney

Appointment

—children's court, JV 2

—civil cases, CV 5

—criminal cases, CR 3

—military serviceperson, PR 1

Fees, FA 12
Ineffective assistance, CR 41
Witness, CR 26

B

Bail, Bond, and Conditions of Release, CR 8

Bankruptcy, CV 49

Bench Trial, CV 21

C

Cameras in Courtroom, CR 5

Certiorari, CV 26

Class Actions, CV 51

Closing Argument, CR 29, CV 17

Commitment

Alcohol and other drug abuse, MH 2
Criminal, CR 34, CR 50, MH 3
Involuntary mental, MH 1
Patients' rights, MH 5
Sexually violent persons, CR 50
Voluntary mental admissions and settlement agreements, MH 4

Competency

Criminal proceedings, CR 12
Guardianship, GA 2
Psychotropic medications, GA 3
Witnesses, CR 26

Conference

Pretrial, CV 4
Scheduling, CV 4

Confidentiality

Grand jury, CR 48
Protective orders, discovery, CV 8
Restriction of extrajudicial statements, CR 5
Sealing court records, CV 5

Conservatorship, GA 6

Consumer Act

Generally, CV 35
Attachment, CV 38

Contempt

Generally, CR 47, CV 43

Family cases, FA 4

Costs

Generally, CV 23

Creditors

Actions, generally, CV 35

Probate, PR 1

Counsel. *See* Attorney

Criminal Complaint, Challenges to, CR 15

D

DNA at Arrest Violations, CR 8, CR 28

Damages

Generally, CV 22

Frivolous actions, CV 24

Detainers, Interstate and Intrastate, CR 44

Discovery, CR 10, CV 8, TR 1

Depositions, CR 11, CV 8, CV 15

Postconviction, CR 40

Divorce

Child support, FA 10

Contempt, FA 4

Contested, FA 1

Custody and physical placement, FA 13

— Hague Convention on Civil Aspects of International Child Abduction, FA 15

— Parental Kidnapping Prevention Act, FA 15

— Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), FA 15

Enforcement, FA 5, FA 6, FA 13

Fees and costs, FA 12

Foreign judgments, FA 19

Jurisdictional conflicts, FA 15

Maintenance, FA 9

Paternity, FA 16

Property Division, FA 8

Self-represented parties

— sample scripts, FA 20

Stipulated, FA 2

Tax

— checklist, FA 7

— refunds, interception of, FA 5

Uniform Interstate Family Support Act (UIFSA), FA 6

Visitation rights, FA 14

Double Jeopardy, CR 15

E

Economic Loss Doctrine, CV 22

Electronic Filing, CV 9

Electronic Surveillance, CR 45

Eminent Domain, CV 34

Estate. *See* Probate

Evictions, CV 41

Evidence at Trial, CV 15

See also Experts; Motions, Suppression of Evidence; Witnesses

Experts, CR 37

Admissibility of testimony, pretrial motions, CV 5

Costs and fees, CV 8, FA 12

Discovery, CV 8

Extradition, CR 44

F

Family. *See also* Divorce

Probate, rights, PR 4

Separation, FA 18

Fax, CV 9

Foreclosure, CV 39

G

Garnishment, CV 37

Governmental Claims

Notice of claim, CV 7

Notice of injury, CV 7

Guardian

See also Guardianship

Under Wis. Stat. ch. 54

—powers and duties, GA 1, GA 2

—removal, GA 1, GA 2

—review, GA 1

—selection, GA 2

Guardian ad Litem

Children's court, JV 2

Guardianship, GA 2

Family, fees, FA 12

Practice guidelines, FA 13
Probate, PR 1

Guardianship

See also Guardian

Child, of the person. *See* Wis. Stat. ch. 48 guardianship of the person, *this heading*

Child, of the estate. *See* Wis. Stat. ch. 54 guardianship—minor's estate, *this heading*

Incompetent person. *See* Wis. Stat. ch. 54 guardianship, *this heading*

Spendthrift. *See* Wis. Stat. ch. 54 guardianship, *this heading*

Veteran, GA 1

Wis. Stat. ch. 48 guardianship of the person, JV 16

Wis. Stat. ch. 54 guardianship

—generally, GA 1, GA 2

—counsel, GA 2

—foreign, GA 1

—hearing, GA 2

—incompetent person, GA 2

—jurisdiction, GA 1

—minor's estate, GA 4

—notice, GA 2

—petition, GA 2

—spendthrift, GA 5

—temporary, GA 1

—timelines, GA 1

—trial, GA 2

—venue, GA 1

H

Habeas Corpus, CV 27

Harassment

Injunctive relief, FA 17

Heirs

Determination of, PR 1

Hypnosis, CR 28

I

Indian Child Welfare Act (ICWA), JV 17

Initial Appearance, CR 7, TR 1

Injunctions

Generally, CV 42

Abuse and harassment, FA 17

Inquests, CR 49

Insurance, CV 48

Interpreters and Translators, CR 2, CR 26, JV 2

Intestacy, PR 5

Inventory

Guardianship, GA 1

Probate, PR 3, PR 7

J

John Doe Proceedings, CR 48

Judge

Recusal and disqualification, CR 14, CV 3, PR 1

Substitution, CR 14, CV 3, PR 1, TR 1

Judgments

Generally, CV 25

Declaratory, CV 46

Default, CV 25

Entry, CV 25

Offers of, CV 23

Perfection, CV 25

Rendition, CV 25

Jurisdiction

Personal, CR 17

Probate, formal, PR 1

Traffic, TR 1

Jury

Bias, CV 12

Challenges, CR 23, CV 11, CV 12

Discrimination, CR 23

Empaneling, CV 11

Grand, CR 48

Hung or deadlocked, CR 24, CR 30

Management issues, CR 24, CV 13

Misconduct, CR 24, CV 13

Note-taking, CR 24, CV 13

Questions, CV 13

Selection, CR 23, CV 12

View, CR 24, CV 13

Voir dire, CR 23, CV 12

Waiver, CR 22

Jury Instructions

Generally, CR 30, CV 18

Preliminary, CR 25

Juvenile Court Proceedings

Custody hearing, JV 4

Disposition, JV 8

Fact-finding hearing, JV 7

Intake, JV 2

Master Index-6

(2024)

Jurisdiction, JV 1
Notice, JV 2
Permanency planning, JV 9
Petition, JV 2
Postdisposition, JV 11
Records, JV 12
Time constraints, JV 3
Truancy, JV 10
Venue, JV 1
Waiver proceedings, JV 5

K

L

Limitation Periods (Statutes of Limitation)

Civil, CV 7
Juvenile, JV 3

M

Mandamus, CV 28

Marriage

Action to affirm, FA 19
Annulments, FA 18
Interspousal remedies, FA 19
Putative, FA 19

Marital Property

Agreements, FA 8
Probate, PR 4, PR 6, PR 8

Mental Disease or Defect. *See* Commitment.

Mental Health

See Commitment

Miranda Rights, CR 21

Mistrial. *See* Motions

Motions

At close of evidence, CR 36, CV 16
To close pretrial proceedings, CR 5
To dismiss, CR 36, CV 6
Dispositive, CV 6
Mistrial, CR 35, CV 10
Postverdict, CR 40, CV 20, TR 3
—Section 974.06 motions, CR 42
Pretrial
—generally, CV 5
—joinder, CR 18, CV 5
—limine, CV 10

—severance, CR 18, CV 5
—traffic, TR 1
Summary judgment, CV 7
Suppression of Evidence
—confessions, CR 21
—identification, CR 20
—search and seizure, CR 19
—traffic, TR 1

N

O

OWI, TR 1, TR 2, TR 3

Opening Statements, CR 25, CV 14

P

Parental Delegation of Power, JV 16

Paternity, FA 16

Surrogacy, parentage, assisted reproduction technology, FA 19

Pleadings

Civil

—generally, CV 2

—amendment, CV 5, CV 16

Judgment on, motion for, CV 6

Pleas, CR 13

Withdrawal, CR 43

Polygraph, CR 28

Postjudgment Relief, CV 25

Power of Attorney

Finances and property, durable, GA 1

Health care, GA 1, GA 7

Preliminary Examination, CR 9

Prisoner Litigation, CV 45

Privileges, CR 26

Probate

Accounts, PR 3

Ancillary administration, PR 8

Assignment of home to surviving spouse, PR 4, PR 5

Estate

—closing, PR 1, PR 6

- dormant, PR 1
- overdue, PR 1
- Family rights, PR 4
- Intestate succession, PR 5
- Inventory, PR 3, PR 7
- Joint tenancy or life estate, termination of, PR 6, PR 8
- Personal representative
 - appointment, PR 1, PR 6
 - liability, PR 3, PR 6
 - powers and duties, PR 3, PR 7
 - removal, PR 3
 - resignation, PR 3
- Procedure
 - formal probate, generally, PR 1
 - informal probate, generally, PR 6
- Special administration, PR 8
- Summary proceedings
 - summary assignment, PR 8
 - summary confirmation of interest in survivorship marital property and nontestamentary marital property agreement, PR 8
 - summary settlement, PR 8
- Transfer by affidavit, PR 8

Prohibition

Writ and non-writ procedures, CV 29

Protective Placement and Services

Generally, GA 3

Psychotropic medication, GA 3

Public Records, CV 28

Public Trial, CR 5

Q

Qualified Domestic Relations Order (QDRO), FA 11

R

Rape-Shield Statute, CR 26

Receiverships, CV 49

Redacting Court Records, CV 5

Remote Proceedings, CR 4, CR 33, CV 9

Replevin, CV 36

Restraints

Criminal defendants, CR 33

S

Sealing

Records in civil proceedings, CV 5

Section 1983 Actions in State Court, CV 44

Sentencing, CR 37, CR 38, TR 3

Modification of sentence, resentencing, CR 39

Separation, FA 18

Servicemembers Civil Relief Act, CV 50, FA 2, FA 18

Settlements, CV 40

Offers of Settlement, CV 23

Sex Offender Registry, CR 38

Small Claims, CV 41

Speedy Trial, CR 16

Subpoenas, CR 6

Summons, CV 2, FA 1, FA 2

Supported Decision-Making Agreements Under Wis. Stat. ch. 52, GA 1

T

Telephone. *See* Remote Proceedings

Termination of Parental Rights, JV 13

Time. *See also* Limitation Periods

Continuances and delays, CV 10, JV 3

Traffic and Civil Ordinance Violations, TR 1, TR 2, TR 3

Juveniles, JV 10, TR 1

Trusts, PR 9

Trustees

Duties, PR 10

Powers, PR 10

U

Unemployment Insurance, CV 32

V

Venue, CR 17, CV 1, GA 1, JV 1, TR 1

Verdicts

Generally, CR 31, CV 19

Impeaching, CR 32

Traffic, TR 2

Victims' Rights, CR 1, JV 12

Videoconferencing. *See* Remote Proceedings

W**Waiver**

Defendant's right to testify, colloquy, CR 36

Juvenile to adult court, JV 5, CR 51

Warrants, CR 6

Challenges, CR 19

Wills, PR 2

Witnesses. *See also* Experts

Generally, CR 26, CV 15

Children, CR 11, CR 26

Confrontation, CR 11, CR 26

Exclusion and separation, motions for, CR 26, CV 10

Grand jury, CR 48

Perjury, CR 26

Worker's Compensation

Generally, CV 31

Section 1983 (third-party) actions, CV 47

X, Y, Z

Zoning, CV 33

