

No. 6, A.]

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CHAPTER 6.

AN ACT to repeal 252.07 (9) (d); to amend 48.01 (2) and (3), 48.02 (1) and (6), 48.07 (8) and 252.07 (3) (b), (c) and (d), and (9) (c) and (e); and to create 48.013 of the statutes, relating to juvenile courts, a children's court, and the family branch of the circuit court, and to the extension of time for filing of nomination papers of candidates for judge of such children's court, in populous counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 48.01 (2) and (3) of the statutes are amended to read:

48.01 (2) (a) All courts of record in this state shall have original jurisdiction of all cases of neglected, dependent and delinquent children.

(b) The judges of the several courts of record in each county of this state shall at intervals of not less than one year designate one or more of their number whose duty it shall be to hear at such places and times as he or they may set apart for such purposes all such cases; and in case of the absence, sickness or other disability of such judge, he shall designate a judge of any court of record whose duty it shall be to act temporarily in his place. Such court shall be known as the juvenile court. * * * *This paragraph (b) shall not apply to counties having a population of 500,000 or more.*

(3) The findings of the juvenile court shall be entered in a book or books or deposited in a file to be kept for that purpose, and the clerk and stenographic reporter of the court so designated shall be respectively the clerk and reporter of such juvenile court, except that in any county * * * *of a population of 500,000 or more, the clerk and assistants and reporter shall be appointed by the judge of the children's court of such county and such appointments shall be made according to the * * * county civil service commission laws, except that the reporter shall be exempt from civil service.* In case of the absence or disability of the clerk of the juvenile court, the judge may deputize one of the assistants in the office of said clerk with full powers to perform the duties of the clerk of said juvenile court during such absence or disability. Such clerk shall take and file the official oath and shall receive such salary as shall be fixed by the county board. The

reporter shall attend all sessions of said court, take down in shorthand the testimony taken and proceedings had at such sessions and promptly transcribe the same or parts thereof as directed by the judge, and forthwith file a copy with the clerk of such court, and shall also furnish such other copies as the judge shall order. *The reporter of the children's court in counties of a population of 500,000 or more shall be paid for his services in furnishing such transcript in the same manner and in the same amounts as circuit court reporters are paid pursuant to section 252.20.* Whenever the court shall enter an order committing a child to an institution or agency, a transcript of all of the evidence in the case, prepared by the reporter, shall be transmitted by the clerk of the court to such institution or agency, together with a supplementary statement prepared by the court or under its direction, based on information contained in the files of the court in relation to the child so committed, setting forth such facts therein as the court may deem suitable for the guidance of the institution or agency in properly caring for the child committed to its care. A copy of the birth certificate of such child or, if a birth certificate is not obtainable, other documentary evidence satisfactory to the court of the date of birth of such child shall be obtained for inclusion in the supplementary report. Unless the judge shall order otherwise or unless the person concerning whom the proceeding is instituted demands a public hearing or trial, the hearing or trial of all matters relating to dependent, neglected, or delinquent children shall be private, and all persons, except the officers of the court, the parties, their witnesses and counsel, shall be excluded therefrom; and the record thereof shall not be open to the public except upon the order of the judge. The court shall hear and determine all cases of children without a jury unless a jury is demanded. In jury trials the law and rules of practice relating to circuit courts shall govern the selection of jurors and procedure.

SECTION 2. 48.02 (1) and (6) of the statutes are amended to read:

48.02 (1) In counties whose population is 500,000 or over, the judge of the juvenile court or *where an inferior court has been established having concurrent jurisdiction in juvenile court matters with the circuit court, the judge of said court* shall appoint a chief probation officer and as many more probation officers of the juvenile or *such inferior court* as shall be fixed by the county board. All such probation officers shall be appointed according to the rules of the county civil service commission. Whenever the county board of such county shall so determine, the office of chief probation officer shall be combined with the office of superintendent of detention home as provided for in * * * section 48.123 * * *.

(6) Any probation officer or his substitute may be removed by the judge of the juvenile court or *in counties of 500,000 or more by the judge of an inferior court established having concurrent jurisdiction in juvenile court matters with the circuit court* for incompetence, or willful or habitual neglect to perform the duties of his office, or for some other good cause; provided, that in counties to which section 16.31 to 16.44 are applicable, removal shall be made only in accordance with these sections.

SECTION 3. 48.013 of the statutes is created to read:

48.013 CHILDREN'S COURT FOR COUNTIES OF 500,000 OR MORE. In each county having a population of 500,000 or more there is hereby created and established a separate inferior court to serve as the juvenile court of such county with the jurisdiction and powers as hereinafter specified.

(1) NAME OF COURT; MAINTENANCE AND RECEIPTS. Such court shall be known as the "Children's Court of (*here insert name of county*) County, Wisconsin", and shall be established and maintained at the expense of the county and all receipts of said court shall be paid to the county treasurer, except that the court may direct the clerk to receive and disburse sums paid under court order for the support and maintenance of children.

(2) SEAT OF COURT; PROCESS; SEAL. Such court shall be held at the county seat or at such other place within the county designated by the county board. The board of supervisors of such county shall provide suitable accommodations, furniture, equipment, records, stationery, blanks and such other supplies as may be necessary for the proper operation of such court. The court shall be a court of record and shall have an official seal, bearing such design as the first judge of said court shall prescribe and the inscription "Children's Court of (*here insert name of county*) County, Wisconsin—Seal."

(3) JURISDICTION, POWERS AND DUTIES. Such court shall have such jurisdiction, powers and duties as are now given or which may hereafter be given by law to circuit courts when acting as juvenile courts and shall also have jurisdiction in actions or proceedings involving the custody of children under 18 years of age, whether raised by habeas corpus or otherwise, except such children as are wards of or whose care and custody is under the control of other courts. Where the words "juvenile court" are used

in the statutes, they shall be deemed and taken to include the children's court or the judge of the children's court in counties of 500,000 or more, except as otherwise specifically provided.

(4) **PRACTICE AND PROCEDURE.** Practice and procedure in such court shall be the same as is now or may be hereafter provided by law for circuit courts when acting as juvenile courts.

(5) **PERSONNEL; BOND; SALARIES.** The court shall have a clerk with such assistants as the county board of supervisors shall determine, and a stenographic reporter, each of whom except such reporter shall be appointed by the judge of such court pursuant to sections 16.31 to 16.44 * * * except that persons presently occupying any of such positions in the juvenile court of any such county and who were appointed to such positions pursuant to civil service rules in such county shall be transferred as of the first Monday in June 1949 to the position of clerk and assistants in the children's court of such county, and who shall be paid such compensation as the said county board shall determine. Such clerk shall be an officer of the court, and before entering upon his duties shall take and subscribe the constitutional oath of office and furnish an official bond in such amount and with such sureties as the county board shall determine. Such oath and bond shall be filed in the office of the clerk of the circuit court of such county. Such clerk shall have the powers and duties as are now prescribed by law for the juvenile court in counties containing one or more cities of the first class. The reporter of said court shall be deemed an officer of such court, shall take and file the constitutional oath of office. He shall be furnished with all necessary supplies.

(6) **JUDGE; QUALIFICATIONS; ELECTION; TERM; COMPENSATION.** On the first Tuesday of April, 1949, and every 6 years thereafter, there shall be elected in the same manner as circuit judges of such county are elected, a judge for said court. No person shall be eligible to the office of such judge unless for 5 years immediately prior to January 1 of the year of such election he shall have been both a resident of such county and an attorney * * * licensed to practice in the circuit courts of Wisconsin. No judge of said court shall practice law while holding such office nor shall he be a candidate for election to any other office while holding the office of judge of said children's court. Such judge shall hold his office for 6 years from the first Monday of June next following his election and until his successor is elected and qualified. Such judge may be removed from office in the manner provided for the removal of circuit judges, the resignation of such judge shall be made to the governor, and vacancies in such office shall be filled as vacancies in the office of circuit judge are filled. Such judge shall be paid an annual salary of \$12,000 to be paid in installments by the county in the same manner as the salaries of constitutional county officers of such county are paid, which salary shall not be lowered during his term of office. Such judge shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed in the Constitution for judicial office, which oath shall be filed in the office of the clerk of the circuit court of such county.

(7) **ADDITIONAL POWERS OF JUDGE.** The judge of the children's court is authorized and empowered to solemnize the rites of marriage. He shall also have power to take acknowledgments and administer an oath.

(8) **DEPUTY SHERIFFS OF CHILDREN'S COURT.** The sheriff of such county shall upon request of the judge of the children's court assign such deputy sheriffs, one of whom shall be a woman, who shall be designated as deputy sheriffs of the children's court, and each of whom shall receive the same salary as is paid to other deputy sheriffs of said county. Such deputy sheriffs shall act as attendants upon the children's court during its sessions. The judge of said children's court shall have the power to make such necessary rules and regulations, to be entered in full upon the records of said court, concerning the attendance and duties of such deputy sheriffs as such judge shall deem proper, and it shall be the duty of such deputy sheriffs to conform to the same.

(9) **SUBSTITUTE JUDGE.** Any judge of a court of record of such county may hold court as judge of said children's court upon request of the judge of such court, and in case of the absence, sickness or other disability of the judge of such court without such request having been made, the senior circuit judge of the circuit court of such county shall designate some judge of a court of record in said county to so hold court, whose duty it shall be to act temporarily in the place of said judge of the children's court and while so doing such judge, so substituting, shall have all of the powers of the regularly elected judge of the children's court.

(10) **TRANSFERRING ACTIONS AND PROCEEDINGS.** All actions, proceedings, pleadings, and process which may be pending in the circuit court of such county sitting as the juvenile court of such county on the first Monday of June of 1949, and the records and

files of all similar past transactions of such court, shall on that day be transferred, returnable and continued to and become actions, proceedings, pleadings and process in and of the children's court of such county, and such actions, proceedings, pleadings and process shall on and after that date be deemed and treated as pending in the children's court of such county for all purposes and to the same extent and with the same effect as if such actions, proceedings, pleadings and process had been originally commenced, had and taken in said children's court, and all motions, orders, writs, and proceedings then pending in the juvenile court jurisdiction of the circuit court of such county shall be heard, executed and disposed of in and by the children's court, which court shall have powers as may be in accordance with law to enforce the previous orders and judgments of the said circuit court of such county exercising juvenile court jurisdiction.

(11) **REVIEW BY SUPREME COURT.** The orders and judgments of the children's court in all actions and proceedings tried before it may be appealed from, examined and reviewed by the supreme court of Wisconsin in the same manner as orders and judgments of the circuit court may be appealed from and reviewed.

(12) The establishment of the children's court shall in no manner affect the civil service status of the members of the juvenile court probation department heretofore established in accordance with section 48.02 * * *, the ordinances of the county board and the provisions of 16.31 to 16.44.

SECTION 4. 48.07 (8) of the statutes is amended to read:

48.07 (8) In any case where a child is found, determined or adjudged by the juvenile court to be dependent, neglected or delinquent or in case of the transfer of the permanent control, care and custody of a child or the termination of the rights of a parent or the parents with reference to such child, appeal may be taken to the circuit court of the same county or if the circuit judge is the judge of the juvenile court, *or in the children's court of a county having a population of 500,000 or more*, directly to the supreme court. In the case of an appeal to the circuit court the appellant shall have a new trial which shall be without a jury unless a jury is demanded. Such appeal may be taken within 40 days from the date of * * * *said* finding, determination, or judgment in the manner in which appeals are taken from judgments in civil actions. No undertaking shall be required on such appeal. The finding, determination, or judgment of said juvenile court shall stand, pending the determination of such appeal but the circuit or supreme court may, upon application and in its discretion, stay said finding, determination or judgment pending such appeal, upon the giving of a suitable bond for the care and maintenance of such child in wholesome and proper surroundings to be approved by the court. Where such a stay has been granted by a circuit court, said circuit court shall hear such appeal within 60 days.

SECTION 5. 252.07 (3) (b), (c) and (d) of the statutes are amended to read:

252.07 (3) (b) The said judges shall * * * *for periods of * * * 2 years or such times as they may determine* designate * * * *2 or more* of their number who shall devote * * * *their* time primarily to * * * divorce litigation and to such other work as is incidental thereto and which is generally described as the work of a family or domestic relations court; and the * * * branches presided over by the judges so designated shall be known as the "Family Court Branches". The judges of * * * *such* branches shall meet from time to time and divide * * * *their* work, apportioning to each branch its due portion thereof. In * * * case of the absence, sickness or other disability of either * * * of such judges * * * *other judges shall be designated to assist temporarily in the performance of the work of such family court.*

(c) All suits, actions, and proceedings in said circuit court arising as follows:

1. Under chapter 245 relating to marriage;
2. Under chapter 247 relating to divorce;
3. Pertaining to the determination of the custody of children under 18 years of age upon writs of habeas corpus;
4. Pertaining to all family and parental affairs not specifically vested * * * in some other court or branch thereof in the county; shall be first assigned to * * * the * * * 2 family court branches as may be determined by rules of court.

(d) Either of said judges of said family court branches shall have the power and authority in his discretion to refer for disposition any matter before said branch for which there has been a warrant issued to any court otherwise having jurisdiction over such * * * *matter.*

SECTION 6. 252.07 (9) (c) of the statutes is amended to read:

252.07 (9) (c) Said department of domestic conciliation shall have such men and women investigators as may from time to time be * * * *authorized* by the county

board of supervisors of such county. Said investigators shall be appointed * * * * *
by the joint action of the judges of the family court branches of the circuit court under
the laws governing civil service in such county.

SECTION 7. 252.07 (9) (d) of the statutes is repealed.

SECTION 8. 252.07 (9) (e) of the statutes is amended to read:

252.07 (9) (e) The county board of supervisors of such county shall provide for
such * * * *assistants*, * * * *stenographic* and otherwise, as shall be necessary to
assist the director of domestic conciliation in carrying out the purposes of this act par-
ticularly in regard to the proper disposal of domestic complaints. Such director and all
other persons in said department shall be appointed by the judges of the family court
branches of the circuit court * * * under the laws governing civil service in such
county, *except in cases otherwise expressly provided for.*

SECTION 9. Notwithstanding any other provision of law, candidates for the office
of judge of the children's court in counties having a population of 500,000 or more, shall
have until 5 p.m. February 15, 1949, to file their nomination papers for the primary
election to such office.

SECTION 10. This act shall take effect June 1, 1949, except that section 48.013
(Introductory paragraph), (1) and (6) of the statutes, created hereby, and section 9
of this act shall take effect on passage and publication.

Approved January 28, 1949.
