



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5255/1
SWB:emw

2021 SENATE BILL 738

November 30, 2021 - Introduced by Senator WIMBERGER, cosponsored by Representatives TUSLER, SNYDER and J. RODRIGUEZ. Referred to Committee on Judiciary and Public Safety.

- 1 **AN ACT** *to repeal and recreate* 767.17 of the statutes; **relating to:** procedures
2 for de novo review in actions affecting the family.

Analysis by the Legislative Reference Bureau

This bill establishes specific procedures and parameters for seeking de novo review of a court commissioner's determination, order, or ruling in an action affecting the family. The bill maintains current law standards that allow a party to have a determination, order, or ruling of a circuit court commissioner reviewed by the circuit court judge of the branch to which the case is assigned by holding a hearing de novo, but the bill adds specific requirements for the review. Under the bill, a party must be present at the hearing in order to seek a de novo review, and de novo review does not apply to any stipulations entered into between the parties. The bill provides that a notice requesting a hearing de novo does not stay a court commissioner's order unless the court specifically grants a stay of that order.

Under the bill, a party must file a motion for a hearing de novo within 20 calendar days of the court commissioner's oral ruling or, if there was no oral ruling, within 20 calendar days of the mailing of the commissioner's written decision or order. With the exception of certain rulings involving relocating a child's residence, the court must hold a hearing de novo no later than 60 days from the date the motion for a hearing de novo is filed.

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

