

✓ Put 13.24(1) in bill.

✓ Is s. 757.69(6) somewhere else
now in 753.03

✓ No longer talk about family juvenile, probate or small claims ct. con

Det. ~~No~~ Family court con in 757.001

dir ct. con assigned to matters affecting family

✓ Put all ct. con. in 757.68 Move all powers & duties into 757.69 - from 767.13, 48 & 938 & 813? ^{except munic}

✓ Office of FCC.

if authorized to do so

Authorization "by a judge"

or "on authority delegated by judge"

change to "if authorized under

SCR 75.02

✓ p 5-69

✓ p 48-412213

✓ p 49-6223

70.36 (title) Judges' and circuit court commissioners'
certification of status of pending cases.

SECTION 2. 70.36 (5) of the supreme court rules is created
to read:

70.36 (5) (a) In this subsection, "circuit court
commissioner" means a person appointed under SCR 75.02 (1) or a
supplemental court commissioner authorized under SCR 75.02 (2) to
perform on a temporary or occasional basis specific duties
allowed court commissioners by statute only to the extent of that
authorization.

(b) A circuit court commissioner may not routinely take
matters under advisement. Every circuit court commissioner shall
decide any matter within 30 days after the matter is submitted to
him or her for decision. If the circuit court commissioner is
unable to decide a matter within 30 days, he or she shall notify
the chief judge not later than 5 days before the end of the 30-
day period. The chief judge may extend the period to decide the
matter for an additional 30 days or may require the circuit court
commissioner to suspend all other assigned activities until the
decision is filed in the court.

(c) Within the first 10 days of each month, each circuit
court commissioner shall certify in writing to the chief judge
and the supervising judge that there are no matters awaiting
decision beyond the 30-day or, if extended by the chief judge,
the 60-day period specified in par. (b). If there are matters so
pending, the certificate shall set forth the case number and

caption of each matter and the date on which it was submitted for decision.

(d) Violation of this subsection is cause for the chief judge to withdraw temporarily or permanently the circuit court commissioner's appointment or authority to act.

SECTION 3. Chapter 75 of the supreme court rules is created to read:

SCR CHAPTER 75

CIRCUIT COURT COMMISSIONERS

SCR 75.01 Definitions. In this chapter:

(1) "Circuit court commissioner" means an officer of the court appointed under SCR 75.02 (1) or authorized under SCR 75.02 (2) to perform limited judicial and quasi-judicial functions under the direction and authority of the chief judge and the judges of the circuit. The term includes a supplemental court commissioner only to the extent he or she is authorized under SCR 75.02 (2) to perform specific duties allowed court commissioners by statute.

(2) "Supplemental court commissioner" means a person appointed by one or more circuit judges under s. 757.68 (2), stats., who may, on authority delegated by a judge and with the approval of the chief judge of the judicial administrative district, perform the duties specified in s. 757.69 (1), stats.

PLANNING AND POLICY ADVISORY COMMITTEE NOTE: This chapter applies to persons appointed under SCR 75.02 (1) and to persons appointed under s. 757.68 (2), stats., and authorized by a chief judge to perform on a temporary or

occasional basis duties allowed court commissioners by statute other than those duties that may be performed on their own authority. The performance evaluation and complaint procedures in SCR 75.05 and 75.07 apply to the performance of the authorized duties, however limited. Continuing education requirements set forth in SCR 75.06 apply to circuit court commissioners appointed under SCR 75.02 (1) and to those supplemental court commissioners who spend 40 or more hours per year on duties authorized by a chief judge. This chapter does not apply to supplemental court commissioners who may perform only those activities specified in s. 757.69 (3), stats.

SCR 75.02 Appointment. (1) The chief judge of a judicial administrative district shall appoint within the district, as authorized by law, circuit court commissioners who shall be selected through a process approved by the chief judge and the circuit court judges of the counties in which the circuit court commissioner will serve. A circuit court commissioner shall be licensed to practice law in this state and in good standing with at least 3 years of legal experience. Selection shall be based on merit.

(2) The chief judge of a judicial administrative district may, by order, authorize a supplemental court commissioner to perform on a temporary or occasional basis one or more specific duties allowed court commissioners by statute.

(3) Upon application of a judge within the district exercising probate jurisdiction, the chief judge of a judicial administrative district may, by order, authorize a register in probate to perform the duties of a circuit court commissioner in probate matters.

PLANNING AND POLICY ADVISORY COMMITTEE NOTE: Subsection (3) is based on s. 757.72 (5), stats.

SCR 75.03 Duties. The order appointing a circuit court commissioner ~~either shall confer all powers and duties allowed court commissioners by statute or shall specify duties that the circuit court commissioner is authorized to perform.~~

PLANNING AND POLICY ADVISORY COMMITTEE NOTE: Based on s. 757.69, stats., this rule requires that the order appointing a circuit court commissioner enumerate specific duties to be performed. It is not expected that every circuit court commissioner will be authorized to perform all of the duties allowed court commissioners by statute.

SCR 75.04 Oath. Each circuit court commissioner and supplemental court commissioner shall take and file the official oath in the office of the clerk of the circuit court of the county for which appointed before performing any duty of the office.

COMMENT: This rule reiterates the language of s. 757.68 (1) and (2), stats.

SCR 75.05 Performance evaluation. (1) The director of state courts shall establish a standard procedure for the regular evaluation of the job performance of circuit court commissioners, which shall include minimum performance standards for circuit court commissioners to be certified as qualified.

(2) The chief judge shall appoint annually one or more supervising judges for each circuit court commissioner. The

But - see 48.065 (1)

supervising judge or judges shall evaluate annually, pursuant to the procedures established under sub. (1), the performance of each circuit court commissioner under his, her or their supervision, communicate responsibilities and performance objectives, and recommend to the chief judge whether the circuit court commissioner should be certified as qualified to continue in that capacity in the succeeding year. The recommendation of the supervising judge or judges shall be supported by reasons and shall include findings regarding all of the following:

(a) Whether the circuit court commissioner has met or exceeded the minimum performance standards established under sub. (1).

(b) Whether the circuit court commissioner is subject to any disciplinary order which forbids him or her to act in a quasi-judicial capacity or is ~~subject to removal or~~ under suspension or removal.

(c) Whether the circuit court commissioner has complied with SCR 70.36 (5) and 75.06 and has attended specific educational programs recommended by the chief judge.

(3) The chief judge, upon considering the recommendation of the supervising judge or judges, shall certify annually each circuit court commissioner as qualified to act in that capacity or deny such certification. The chief judge may not certify any circuit court commissioner as qualified unless affirmative

findings have been made under sub. (2) (a) and (c) and a negative finding has been made under sub. (2) (b).

PLANNING AND POLICY ADVISORY COMMITTEE NOTE: Unless the circuit court commissioner has met minimum performance standards, complied with rules relating to education and prompt decision making and is not ~~subject to~~ under ethical sanctions, he or she cannot be certified as qualified to discharge the functions of the office. Local jurisdictions may use members of the bar and civic and consumer groups to assist the supervising judge in the evaluation process. Under SCR 75.01, this section applies to supplemental court commissioners authorized by a chief judge to perform on a temporary or occasional basis duties allowed court commissioners by statute.

SCR 75.06 Continuing education. (1) A circuit court commissioner shall maintain and improve professional competence by participating in programs of continuing education designed for circuit court commissioners and by participating in local orientation programs which may include mentoring by circuit court judges.

(2) A circuit court commissioner appointed under SCR 75.02(1) shall comply with all of the following:

(a) 60 education credits shall be earned each period of 6 years by participating in continuing education programs.

(b) No less than 10 nor more than 30 education credits shall be earned every 2 years.

(c) Circuit court commissioners employed full-time in that capacity may earn credits only by participating in continuing education programs approved by the judicial education committee.

(d) Circuit court commissioners not employed full-time in that capacity may earn up to 40 of the required 60 credits in any 6-year period by participating in continuing legal education programs approved by the Board of Bar Examiners.

(3) A supplemental court commissioner authorized under SCR 75.02 (2) to perform specified duties allowed court commissioners by statute shall earn not less than 3 education credits in programs approved by the judicial education committee in any year in which the performance of those duties requires 40 or more hours.

(4) For purposes of this rule, one credit is awarded for each half-day of attendance at an in-state education program and the amount of credit awarded for attendance at a national program is to be determined by the judicial education committee.

PLANNING AND POLICY ADVISORY COMMITTEE NOTE: SCR 31.05 (4) requires that the board of bar examiners allow participation in activities approved by the judicial education committee to be used to satisfy CLE requirements for attorneys.

SCR 75.07 Complaints; discipline. (1) A person may file a complaint regarding the conduct of a circuit court commissioner with the chief judge of the judicial administrative district. The chief judge or a designee of the chief judge shall advise any complainant of the right to file a complaint with the judicial commission. Notwithstanding the jurisdiction of the judicial commission, the chief judge may discipline a circuit court commissioner as provided in sub. (2).

(2) The chief judge of each judicial administrative district is responsible for disciplining circuit court commissioners with respect to their quasi-judicial activities and for determining the severity of the discipline, including removal. The determinations of the chief judge shall be in writing and set forth the reasons for them. The chief judge shall consider information and recommendations from the supervising judge or judges when making those determinations.

SCR 75.08 Local court rules. (1) The circuit court judges of any county may establish any of the following as local court rules:

(a) Rules and standards clarifying the authority of circuit court commissioners in particular types of cases.

(b) Guidelines for decision making by circuit court commissioners.

(2) All local court rules established under sub. (1) shall be adopted under s. 753.35 (2), stats., shall be consistent with statutes and supreme court rules, and shall be approved by the chief judge of the judicial administrative district.

COMMENT: The guidelines established under sub. (1) (b) may not interfere with the decision-making discretion of circuit court commissioners in individual cases.

IT IS FURTHER ORDERED that the Notes of the Planning and Policy Advisory Committee are not adopted but shall be published with the rules for information purposes.

IT IS FURTHER ORDERED that notice of these amendments of the Supreme Court Rules shall be given by a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this day of _____, 1998.

BY THE COURT:

Marilyn L. Graves
Clerk of Court



Supreme Court of Wisconsin

231 E. State Capitol
P.O. Box 1688
MADISON, WISCONSIN 53701-1 688

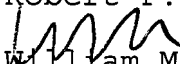
Shirley S. Abrahamson
Chief Justice
Donald W. Steinmetz
William A. Bablitch
Jon P. Wilcox
Janine P. Geske
Ann Walsh Bradley
N. Patrick Crooks
Justices

Telephone 608-266-6708
Facsimile 608-267-0980
Bulletin Board 608-266-7866

J. Denis Moran
Director of State Courts

Marilyn L. Graves
Clerk
William Mann
Supreme Court
Commissioner

July 29, 1998

TO: Robert P. Nelson
FROM: 
SUBJECT: LRB-5132/P2dn

Here is the "mock up" of several of the statutes as they would appear in their entirety if your bill draft were enacted. Note that the second version of Wis. Stat. § 757.72 includes those subsections of the current statute that would be deleted.

When you have had a chance to review these, please let me know if you find any errors or discrepancies.

I am looking forward to meeting with you on this sometime during the week of August 17, 1998, as currently anticipated.

WM/mf
Attachment

48.065 Circuit court commissioners in juvenile matters.

✓ (1) The board of supervisors of any county may authorize the chief judge of the judicial administrative district to appoint one or more circuit court commissioners to assist the court part-time or full-time in matters affecting juveniles. The chief judge may assign law clerks, bailiffs and deputies to the court commissioner. The chief judge shall supervise law clerks, bailiffs and deputies, except that the chief judge may delegate any of those duties.

✓ (2) ~~(intro.)~~ Under this chapter a circuit court commissioner, if authorized to do so by a judge, may:

~~~~~  
~~~~~ current law  
~~~~~

(3) A circuit court commissioner  
may not..

~~~~~  
~~~~~ current law

(4) When .....

see  
p 5  
of PR

error on  
line 16

753.36 Supplemental court commissioners. (1) In each county the circuit judges shall appoint the number of supplemental court commissioners as the proper transaction of business requires, except that in counties having a population of 200,000 or more each judge may appoint not more than 2 supplemental commissioners. In all counties the appointments shall be subject to the approval of a majority of the circuit judges for the county. Appointments shall be in writing and shall be filed in the office of the clerk of the circuit court. All court commissioners appointed after May 16, 1978, other than official court reporters acting under s. 814.68(1) (b) performing duties or exercising powers specified for court reporters, shall be attorneys licensed to practice in this state. The appointing judge may remove, at will and without cause, any supplemental court commissioner appointed by the judge or the judge's predecessor in office. Unless he or she is so removed, the term of each supplemental court commissioner shall continue until the expiration of the term of the appointing judge. Each supplemental court commissioner shall take and file the official oath in the office of clerk of the circuit court of the county for which appointed before performing any duty of the office.

current law

(2) Supplemental court commissioners may, under their own authority:

(a) Officiate at marriage ceremonies throughout the state.

(b) Issue subpoenas and attachments or other process to compel the attendance of witnesses, administer oaths and affidavits, take depositions and testimony when authorized by law or rule or order, and certify and report the depositions and testimony.

(c) Issue the following writs returnable before a judge at a time set by the judge or the judge's clerk: habeas corpus; certiorari; ne exeat and alternative writs of mandamus.

(d) Supervise accountings subsequent to a sale of land under ch. 75.

(e) Issue subpoenas returnable before a judge on behalf of the Wisconsin department of justice for antitrust violations under s. 133.11(1) or violations of ss. 563.02 to 563.80 under s. 563.71(1).

(f) Investigate and dispose of unclaimed property under ss. 171.04 to 171.06.

(g) Except as provided in s. 767.13(5)(c), conduct a paternity proceeding according to the procedures set out in ch. 767 whenever a circuit court commissioner is specifically authorized to do so.

current law

(L.V. Reil)  
(aov)

(h) Conduct supplementary hearings on the present financial status of a debtor and exercise the powers of the court under ss. 816.04, 816.08 and 816.11.

(i) Take and certify acknowledgments.

✓ (3) In addition to the duties expressly set forth in sub. (2) (a) to (c), a supplemental court commissioner may perform other ministerial duties as required by a court.

whg &  
Civil  
(a) to (c)

✓ (4) A supplemental court commissioner may transfer to a court any matter in which it appears that justice would be better served by such a transfer.

✓ (5) A supplemental court commissioner shall refer to a court of record for appropriate action every alleged showing of contempt in the carrying out of the lawful decisions of the supplemental court commissioner.

✓ (6) Supplemental court commissioners appointed under sub. (1) shall collect the fees prescribed in s. 814.68(1).

7  
757.68 **Circuit court commissioners.** (1) In every county organized for judicial purposes, the county board shall establish within the unclassified service the position of family court commissioner and such additional circuit court commissioner positions as needed for the efficient administration of judicial business within the circuit courts of the county. The family court commissioner shall be a circuit court commissioner. (The family court commissioner and) circuit court commissioners may be full-time or part-time. Each circuit court commissioner shall take and file the official oath in the office of the clerk of the circuit court of the county for which appointed before performing any duty of the office. Chapter 75 of the supreme court rules shall govern the qualifications for, and appointment, supervision, training, evaluation and discipline of, circuit court commissioners.

✓ (2m) In counties having a population of 500,000 or more, at least one full-time circuit court commissioner position shall be established to assist in the administration of actions under ch. 799. The county board shall set the salary of a person appointed to be a full-time circuit court commissioner under this subsection.

757.69 **Powers and duties of circuit court commissioners.** (1) ~~(Intro.)~~ An order under SCR 75.02 appointing a circuit court commissioner shall ~~confer all the powers and duties of a circuit court commissioner allowed under state law or shall~~ specify the duties that a circuit court commissioner may perform including the following:

CL (a) Direct a case to the proper court if the defendant wishes to enter a plea after intelligent waiver of rights.

(b) In criminal matters issue summonses, arrest warrants or search warrants, conduct initial appearances of persons arrested, set bail, inform the defendant in accordance with s. 970.02(1) and refer the person to the authority for indigency determinations specified under s. 977.07(1). A circuit court commissioner may conduct the preliminary examination and arraignment and, with the consent of both the state and the defendant, accept a guilty plea. If a court refers a disputed restitution issue under s. 973.20(13)(c)4., the circuit court commissioner shall conduct the hearing on the matter in accordance with s. 973.20(13)(c)4.

CL (c) Conduct initial appearances in traffic cases and county ordinance cases, in traffic regulation cases and county ordinance cases receive noncontested forfeiture pleas, order the revocation or suspension of operating privileges and impose monetary penalties according to a schedule adopted by a majority of the judges of the courts

CL  
↓  
of record within the county, and refer applicable cases to court for enforcement for nonpayment.

(d) In small **claims** actions, conduct initial return appearance and conciliation conferences.

(e) Conduct noncontested probate proceedings.

(f) Issue warrants and capiases for those who do not appear as summoned.

(g) When assigned to the court assigned jurisdiction under chs. 48 and 938, a circuit court commissioner may, under ch. 48 or 938, issue summonses and warrants, order the release or detention of children apprehended, conduct detention and shelter care hearings, conduct preliminary appearances, conduct uncontested proceedings under ss. 48.13, 938.12, 938.13 and 938.18, enter into consent decrees and exercise the powers and perform the duties specified in par. (j) or (m), whichever is applicable, in proceedings under s. 813.122 or 813.125 in which the respondent is a child. Contested waiver hearings under s. 938.18 and dispositional hearings under ss. 48.335 and 938.335 shall be conducted by a judge. When acting in an official capacity and assigned to the children's court center, a circuit court commissioner shall sit at the children's court center or such other facility designated by the chief judge. Any decision by the commissioner shall be reviewed by the judge of the branch of court to which the case has been assigned, upon motion of any party. Any determination, order or ruling by the commissioner may be certified to the branch of court to which such case has been assigned upon a motion of any party for a hearing de novo.

(h) Hear petitions for commitment and conduct probable cause hearings under ss. 51.20, 51.45 and 55.06(11), conduct reviews of guardianships and protective placements and protective services under chs. 55 and 880, advise a person alleged to be mentally ill of his or her rights under the United States and Wisconsin constitutions and, if the person claims or appears to be unable to afford counsel, refer the person to the authority for indigency determinations specified under s. 977.07(1) or, if the person is a child, refer that child to the state public defender who shall appoint counsel for the child without a determination of indigency, as provided in s. 48.23(4).

(i) Conduct inquests under ch. 979.

(j) Hold hearings, make findings and issue temporary restraining orders under s. 813.122.

~~(k) delete~~

(m) Hold hearings, make findings and issue orders under s. 813.125.

✓ (2) A judge may refer to a circuit court commissioner appointed under SCR 75.02 cases in which:



✓ (a) The trial of an issue of fact requires the examination of an account, in which case the circuit court commissioner may be directed to report upon any specific question of fact involved therein.

CC (b) The taking of an account is necessary for the information of the court before judgment or for carrying a judgment or order into effect.

↓ (c) A question of fact other than upon the pleadings arises.

(d) Proposed findings of fact and conclusions of law are to be prepared pertaining to default mortgage and land contract foreclosures and mechanics liens.

✓ (2m) Circuit court commissioners, <sup>appointed under</sup> may exercise, under their own authority, all of the powers listed under s. 753.36(2). 7502

757.70 Hearings before court commissioners. (1) All proceedings and hearings before a court commissioner shall be public and open to every citizen, except juvenile proceedings or when it is necessary for the court in which the action or proceeding is pending to impose by order restrictions under its inherent power to conduct proceedings in camera.

(2) All hearings before a (circuit or supplemental) court commissioner shall be held in the county courthouse or other court facilities provided by law. This provision does not apply to nontestimonial proceedings, supplementary hearings on the present financial status of a debtor under s. 753.36(2)(h) or depositions taken before a (circuit or supplemental) court commissioner.

757.72 Position of probate court commissioner. (1) In counties having a population of 500,000 or more, there is created in the classified civil service a circuit court commissioner position to assist in probate matters. In counties having a population of at least 100,000 but not more than 500,000, the county board may create a circuit court commissioner position to assist in probate matters, which may be in the classified civil service.

(4) Circuit court commissioners assisting in probate matters shall be appointed under SCR 75.02 and are subject to chapter 75 of the supreme court rules.

(8) The circuit court commissioners assisting in probate matters may administer oaths, take depositions and testimony, and certify and report the depositions and testimony, take and certify acknowledgments, allow accounts and fix the amount and approve the sufficiency of bonds.

repeat of p??

**757.72 Position of probate court commissioner.** (1) In counties having a population of 500,000 or more, there is created in the classified civil service a circuit court commissioner position to assist in probate matters. In counties having a population of at least 100,000 but not more than 500,000, the county board may create a circuit court commissioner position to assist in probate matters, which may be in the classified civil service.

(2) repealed.

Judges assigned probate jurisdiction may assign to the probate court commissioners any matters over which the judges have jurisdiction, and the probate court commissioners may determine such matters and may sign any order or certificate required in such determination.

(3) repealed.

Probate court commissioners shall receive such salary and be furnished with quarters, necessary office furnishings and supplies as determined by the county board.

(4) Circuit court commissioners assisting in probate matters shall be appointed under SCR 75.02 and are subject to chapter 75 of the supreme court rules.

(5) repealed.

The register in probate of a county shall have the duties and powers of a probate court commissioner and shall act in that capacity when designated to do so by a judge assigned probate jurisdiction.

(6) repealed.

Before entering upon the performance of their duties, probate court commissioners shall take and file the official oath.

(7) repealed.

Probate court commissioners shall by virtue of their respective positions, and to the extent required for the performance of their duties, each have the powers of a court commissioner.

(8) The circuit court commissioners assisting in probate matters may administer oaths, take depositions and testimony, and certify and report the depositions and testimony, take and certify acknowledgments, allow accounts and fix the amount and approve the sufficiency of bonds.

767.13 Family court commissioner.

(See, p.33, lines 1-7)

(1) COUNTIES OTHER THAN MILWAUKEE. (a) Appointment. In each county, except in a county having a population of 500,000 or more, the chief judge of the judicial administrative district shall appoint a circuit court commissioner under SCR 75.02 to serve as in the position of family court commissioner for the county.

(b) Powers; civil service; oath; temporary appointment; assistants. The position of family court commissioner, or of any circuit court commissioner assisting the family court commissioner, may be placed under a county civil service system by resolution of the county board. The chief judge of the judicial administrative district shall appoint one or more circuit court commissioners to assist the family court commissioner.

(2) MILWAUKEE COUNTY. (a) Appointment; assistants; civil service. In counties having a population of 500,000 or more, there is created in the classified civil service the position of family court commissioner and such additional circuit court commissioners as the county board shall determine and authorize, (all of whom) shall be circuit court commissioners appointed by the chief judge of the judicial administrative district under SCR 75.02(1).

(b) ~~(title)~~ Salary; unavailability; duties. The family court commissioner and any circuit court commissioners assisting the family court commissioner shall receive such salary as may be fixed by the county board, shall perform their duties under the direction of the chief judge of the judicial administrative district or a designee and shall be furnished with quarters and necessary office furnishings and supplies. The county board shall provide them their necessary stenographic and investigational service. When the family court commissioner is unavailable, a circuit court commissioner shall perform all the duties and have all the powers of the family court commissioner as directed by the commissioner or by the chief judge of the judicial administrative district or other judge as the chief judge may designate. In addition to the duties of the family court commissioner under this chapter, the family court commissioner shall perform other duties as the chief judge of the judicial administrative district, or other judge as the chief judge may designate, directs.

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cf. com "



State of Wisconsin  
1997 - 1998 LEGISLATURE

0137/P1  
LRB-5132/P2

RPN: [initials]

Must Be Done By  
11/17 (Meeting on 11/19)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

99P

Proof all amended stats. [except in inserts] w/ stats.

regenerate

1 **AN ACT to repeal** 757.68 (3) and (4), 757.69 (1) (k), 757.69 (6), 757.72 (2), 757.72  
2 (3), 757.72 (5), 757.72 (6), 757.72 (7), 767.16, 767.17 and 799.206; to **renumber**  
3 813.125 (1) (a) and (b); to **renumber and amend 757.68** (2), 757.68 (5), 757.69  
4 (3), 757.69 (4) and (5), 757.69 (7) and 757.695; to **amend** 19.01 (4) (c), 20.445  
5 (3) (cb), 46.03 (3), 48.065 (title), 48.065 (1), 48.065 (2) (intro.), 48.065 (3) (intro.),  
6 48.065 (4), 48.208 (4), 48.21 (1) (a), 48.21 (1) (b), 48.21 (4) (intro.), 48.21 (7),  
7 48.227 (4) (a), 48.30 (9), 48.32 (1), 48.32 (2) (a), 48.32 (6), 49.25 (8) (b), 49.852  
8 (3), 49.854 (2) (c), 49.854 (3) (ag) 2., 49.854 (3) (ar), 49.854 (3) (b), 49.854 (5) (f),  
9 49.854 (6) (c), 49.854 (7) (c), 49.854 (7m), 49.855 (3), 49.855 (4m) (b), 49.856 (4),  
10 49.857 (2) (c) l., 49.857 (3) (ac), 49.857 (3) (ar), 49.858 (3), 51.10 (4m) (d), 51.20  
11 (1) (c), 51.45 (12) (b) (intro.), 51.45 (12) (c) (intro.), 51.45 (12) (c) l., 51.45 (13)  
12 (dm), 59.37, 59.53 (5), 59.53 (5m) (a), 59.64 (1) (c), 59.64 (1) (d) (intro.), 59.64 (1)  
13 (e), 59.64 (1) (f), 59.79 (5), 63.03 (2) (z), 89.15 (3m) (a) 3. and 4., 75.43, 101.02  
14 (5) (c), 103.005 (5) (c), 133.10 (1), 133.11 (l), 171.04 (l), 171.05, 171.06, 196.24  
15 (2), 563.71 (1) (a), 753.175, 757.23, 757.24, 757.30 (2), 757.68 (title), 757.69

1 (title), 757.69 (1) (b), 757.69 (1) (g), 757.69 (2) (intro.), 757.69 (2) (a), 757.70 (2),  
2 757.72 (title), 757.72 (1), 757.72 (8), 757.81 (2), 765.11 (1), 765.11 (2), 765.16 (5),  
3 767.045 (1) (c) (intro.), 767.081 (title), 767.081 (1), 767.083 (2), 767.085 (1) (i),  
4 767.085 (1) (j) (intro.), 767.087 (1) (b), 767.087 (1) (c), 767.087 (2), 767.11 (1) (c),  
5 767.11 (5) (a), 767.11 (5) (b), 767.11 (6), 767.11 (13), 767.115 (1) (a), 767.115 (1)  
6 (b), 767.115 (1m), 767.115 (2), 767.125, 767.13 (title), 767.13 (l), 767.13 (2),  
7 767.13 (4), 767.13 (5) (a), 767.13 (5) (b), 767.13 (5) (c), 767.13 (6), 767.13 (7),  
8 767.15 (l), 767.23 (1) (intro.), 767.23 (1) (a), 767.23 (1) (am), 767.23 (1m), 767.23  
9 (In), 767.25 (4m) (f) 2., 767.265 (1), 767.265 (2h), 767.265 (2r), 767.267 (l),  
10 767.267 (5), 767.27 (2), 767.29 (1) (c), 767.29 (1) (d) (intro.), 767.29 (1) (d) 2.,  
11 767.29 (1) (e), 767.29 (1m) (b), 767.29 (3) (a), 767.29 (3) (b), 767.293 (l), 767.293  
12 (2), 767.293 (3), 767.32 (l)(a), 767.327 (2) (c), 767.33(2), 767.37 (1) (a), 767.37  
13 (2), 767.45 (5) (b), 767.455 (5), 767.458 (1m), 767.46 (1), 767.463, 767.465 (2) (a),  
14 767.51 (3m) (f) 2., 767.62 (2) (b), 767.62 (3) (b), 767.62 (4) (a), 767.62 (4) (b) 2.,  
15 767.62 (4) (b) 3. a., 767.62 (4) (b) 3. b., 767.62 (4) (b) 4. (intro.), 767.62 (4) (b) 4.  
16 c., 767.62 (4) (b) 5. a., 767.62 (4) (b) 6. b., 767.62 (4) (d) 1., 767.62 (4) (d) 2., 767.62  
17 (4) (e) (intro.), 767.62 (4) (e) 14., 767.62 (4) (f), 769.102, 769.302, 782.01 (3),  
18 782.03, 782.28, 799.05 (7) (intro.), 799.06 (l), 799.11 (3), 799.20 (4), 799.207  
19 (title), 799.207 (1) (a), 799.207 (1) (b), 799.207 (1) (e), 799.207 (2) (intro.),  
20 799.207 (3) (b), 799.209 (1) to (4), 799.21 (3) (b), 799.21 (4), 799.24 (1), 799.24  
21 (3), 799.26 (1), 807.04 (1), 807.09 (1), 812.30 (2), 813.12 (2) (a), 813.12 (2) (b),  
22 813.12 (3) (a), 813.12 (3) (am), 813.12 (3) (c), 813.12 (3) (d), 813.12 (4) (a) (intro.),  
23 813.12 (4) (a) 3., 813.12 (4) (am), 813.12 (4) (b), 813.12 (4m) (a) 2., 813.12 (4m)  
24 (b) (intro.), 813.12 (4m) (b) 2., 813.12 (5) (c), 813.12 (6) (a), 813.12 (7m), 813.125  
25 (1) (intro.), 814.61 (12) (b) 3., 814.612 (2), 814.615 (3), 816.03 (1) (b), 816.035 (1)

1 and (2), 818.02 (6), 879.61, 885.10, 885.12, 887.26 (7), ~~898.02, 898.04, 898.11,~~  
 2 906.15 (1), 906.15 (2) (d), 906.15 (3), 911.01 (1), 938.065 (title), 938.065 (1),  
 3 938.065 (2) (intro.), 938.065 (3) (intro.), 938.065 (4), 938.208 (4), ~~938.21 (1),~~  
 4 938.21 (2) (c), ~~938.21(4) (intro.), 938.21 (4m), 938.21 (7), 938.24 (5), 938.245 (3),~~  
 5 938.30 (9), 938.32 (1) (a), 938.32 (1d), 938.32 (1g) (intro.), 938.32 (1m) (intro.)  
 6 and (a), 938.32 (It) (a) 1., ~~938.32 (1t) (a) 1m,~~ 938.32 (It) (a) 3., 938.32 (1x),  
 7 938.32 (2) (a), 938.32 (6), 940.203 (1) (b), 943.013 (1) (b), 967.07, 971.20 (3) (a),  
 8 973.20 (13) (c) 4., 977.05 (6) (b) 2., ~~979.05 (1), 979.05 (4), 979.05 (5), 979.05 (6),~~  
 9 979.06 (1), 979.06 (2), ~~979.06 (3), 979.06 (4) (intro.), 979.06 (5), 979.08 (1),~~  
 10 979.08 (3) (intro.), ~~979.08 (6); 979.08 (7) and 979.09;~~ **to repeal and recreate**  
 11 17.16 (1), 757.68 (1), 757.69 (1) (intro.), 757.72 (4), 814.68, ~~979.05 (2) and 979.05~~  
 12 (3); and **to create** 753.36 (title), 757.68 (2m), 757.69 (2m), 813.122 (1) (e),  
 13 ~~813.123 (1) (cm) and 813.125 (1) (bg)~~ of the statutes; **relating to:** powers,  
 14 responsibilities and appointment of court commissioners.

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a later version.

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

*insert 3-15 CAM 13.29.67*

SECTION 1. 17.16 (1) of the statutes, as affected by 1996 Supreme Court Order

~~96-08~~ is repealed and recreated to read:

17.16 (1) Removals from office at pleasure shall be made by order, a copy of which shall be filed as provided by sub. (8), except that a copy of the order of removal of a circuit court commissioner shall be filed in the office of the clerk of the circuit court.

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1 SECTION 2. 19.01 (4) (c) of the statutes is amended to read:

2 19.01 (4) (c) On the office of the clerk of the circuit court for any county: Of all  
3 circuit and supplemental  
4 court commissioners, ~~of all family court commissioners~~, of all municipal judges, and  
5 of all other judges or judicial officers elected or appointed for that county, or whose  
6 jurisdiction is limited thereto;

6 SECTION 3. 20.445 (3) (cb) of the statutes is amended to read:

7 20.445 (3) (cb) *Child support collection-county administration.* The amounts  
8 in the schedule for the county child support order revision programs under s. 49.23  
9 (1), for state incentive payments under s. 49.23 (2), for assistance to counties in  
10 establishing paternity and obtaining child support and for payments to Milwaukee  
11 County under s. 49.25 (8) (b) to fund an additional family circuit court commissioner  
12 ~~fact is not affecting: the family.~~

13 SECTION 4. 46.03 (3) of the statutes is amended to read:

14 **46.03 (3) TRUSTEE DUTY.** Take and hold in trust, whenever it considers  
15 acceptance advantageous, all property transferred to the state to be applied to any  
16 specified purpose, use or benefit pertaining to any of the institutions under its control  
17 or the inmates thereof, and apply the same in accordance with the trust; and when  
18 ordered by the court, act as trustee of funds paid for the support of any child if  
19 appointed by the court or family circuit court commissioner under s. 767.475 (7).

20 SECTION 5. 48.065 (title) of the statutes is ~~amended to read:~~ *repealed*

21 48.065 (title) **Juvenile Circuit court commissioners in juvenile matters.**

22 SECTION 6. 48.065 (1) of the statutes is amended to read:

23 48.065 (1) The board of supervisors of any county may authorize the chief judge  
24 of the judicial administrative district to appoint one or more circuit court  
25 commissioners to assist the court part-time or full-time juvenile court

*fix  
component*



1 ~~commissioners who shall serve at the discretion of the chief judge. A juvenile court~~  
 2 ~~commissioner shall be licensed to practice law in this state and shall have been so~~  
 3 ~~licensed for at least 2 years immediately prior to appointment and shall have a~~  
 4 ~~demonstrated interest in the welfare of children in matters affecting juveniles. The~~  
 5 ~~chief judge may assign law clerks, bailiffs and deputies to the court commissioner.~~  
 6 The chief judge shall supervise <sup>circuit</sup> juvenile <sup>plain text</sup> court commissioners, law clerks, bailiffs and  
 7 deputies, except that the chief judge may delegate any of those duties.

8 SECTION 7. 48.065 (2) (intro.) of the statutes is amended to read:

9 48.065 (2) (intro.) Under this chapter a juvenile circuit court commissioner, if  
 10 authorized to do so by <sup>the chief</sup> a judge, may:

11 SECTION 8. 48.065 (3) (intro.) of the statutes is amended to read:

12 48.065 (3) (intro.) The juvenile circuit court commissioner may not:

13 SECTION 9. 48.065 (4) of the statutes is amended to read:

14 48.065 (4) When acting officially, the juvenile circuit court commissioner  
 15 assisting the court in juvenile matters shall sit at the courthouse or the usual court  
 16 facility for juvenile matters. Any decision of the juvenile <sup>circuit</sup> court commissioner shall be  
 17 reviewed by the judge upon the request of any interested party.

18 SECTION 10. 48.208 (4) of the statutes is amended to read:

19 48.208 (4) Probable cause exists to believe that the child, having been placed  
 20 in nonsecure custody by an intake worker under s. 48.207 or by the judge or juvenile  
 21 circuit court commissioner under s. 48.21 (4), has run away or committed a  
 22 delinquent act and no other suitable alternative exists.

23 SECTION 11. 48.21 (1) (a) of the statutes is amended to read:

24 48.21 (1) (a) If a child who has been taken into custody is not released under  
 25 s. 48.20, a hearing to determine whether the child shall continue to be held in custody

inserts  
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1 under the criteria of ss. 48.205 to 48.209 shall be conducted by the judge or juvenile  
 2 circuit, court commissioner within 48 hours of the time the decision to hold the child  
 3 was made, excluding Saturdays, Sundays and legal holidays. By the time of the  
 4 hearing a petition under s. 48.25 shall be filed, except that no petition need be filed  
 5 where a child is taken into custody under s. 48.19 (1) (b) or (d) 2. or 7. or where the  
 6 child is a runaway from another state, in which case a written statement of the  
 7 reasons for holding a child in custody shall be substituted if the petition is not filed.  
 8 If no hearing has been held within 48 hours, excluding Saturdays, Sundays and legal  
 9 holidays, or if no petition or statement has been filed at, the time of the hearing, the  
 10 child shall be released except as provided in par. (b). A parent not present at the  
 11 hearing shall be granted a rehearing upon request.

12 **SECTION 12.** 48.21 (1) (b) of the statutes is amended to read:

13 ~~48.21(1) (b) If no petition has been filed by the time of the hearing, a child may~~  
 14 ~~be held in custody with approval of the judge or juvenile circuit court commissioner~~  
 15 ~~for an additional 72 hours from the time of the hearing, excluding Saturdays,~~  
 16 ~~Sundays and legal holidays, only if, as a result of the facts brought forth at the~~  
 17 ~~hearing, the judge or juvenile circuit court commissioner determines that probable~~  
 18 ~~cause exists to believe that the child is an imminent danger to himself or herself or~~  
 19 ~~to others, or that probable cause exists to believe that the parent, guardian or legal~~  
 20 ~~custodian of the child or other responsible adult is neglecting, refusing, unable or~~  
 21 ~~unavailable to provide adequate supervision and care. The extension may be~~  
 22 ~~granted only once for any petition. In the event of failure to file a petition within the~~  
 23 ~~extension period provided for in this paragraph, the judge or juvenile circuit court~~  
 24 ~~commissioner shall order the child's immediate release from custody.~~

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25 **SECTION 13.** 48.21 (4) (intro.) of the statutes is amended to read:

(intro.)

①

~~48.21 (4) CONTINUATION OF CUSTODY.~~ If the judge or juvenile circuit court commissioner finds that the child should be continued in custody under the criteria of s. 48.205, he or she shall enter one of the following orders:

Insert 7-9

**SECTION 14.** 48.21 (7) of the statutes is amended to read:  
**48.21 (7) INFORMAL DISPOSITION.** If the judge or juvenile circuit court commissioner determines that the best interests of the child and the public are served, he or she may enter a consent decree under s. 48.32 or order the petition dismissed and refer the matter to the intake worker for informal disposition in accordance with s. 48.245.

**SECTION 15.** 48.227 (4) (a) of the statutes is amended to read:

48.227 (4) (a) If the child's parent, guardian or legal custodian does not consent to the temporary care and housing of the child at the runaway home as provided under sub. (2) or (3), a hearing shall be held on the issue by the judge or juvenile circuit court commissioner within 24 hours of the time that the child entered the runaway home, excluding Saturdays, Sundays and legal holidays. The intake worker shall notify the child and the child's parent, guardian or legal custodian of the time, place and purpose of the hearing.

**SECTION 16.** 48.30 (9) of the statutes is amended to read:

~~48.30 (9) If a circuit court commissioner conducts the plea hearing and accepts an admission of the alleged facts in a petition brought under s. 48.13, the judge shall review the admission at the beginning of the dispositional hearing by addressing the parties and making the inquiries set forth in sub. (8).~~

**SECTION 17.** 48.32 (1) of the statutes is amended to read:

~~48.32 (1) At any time after the filing of a petition for a proceeding relating to s. 48.13 and before the entry of judgment, the judge or juvenile circuit court~~

a

1 commissioner may suspend the proceedings and place the child under supervision  
 2 in the child's own home or present placement. The court may establish terms and  
 3 conditions applicable to the parent, guardian or legal custodian, and to the child. The  
 4 order under this section shall be known as a consent decree and must be agreed to  
 5 by the child if 12 years of age or older; the parent, guardian or legal custodian; and  
 6 the person filing the petition under s. 48.25. The consent decree shall be reduced to  
 7 writing and given to the parties.

8 SECTION 18. 48.32 (2) (a) of the statutes is amended to read:

9 48.32 (2) (a) A consent decree shall remain in effect up to 6 months unless the  
 10 child, parent, guardian or legal custodian is discharged sooner by the judge or  
 11 juvenile circuit court commissioner.

12 SECTION 19. 48.32 (6) of the statutes is amended to read:

13 48.32 (6) The judge or juvenile circuit court commissioner shall inform the child  
 14 and the child's parent, guardian or legal custodian, in writing, of the child's right to  
 15 object to the continuation of the consent decree under sub. (3) and the fact that the  
 16 hearing under which the child was placed on supervision may be continued to  
 17 conclusion as if the consent decree had never been entered.

18 SECTION 20. 49.25 (8) (b) of the statutes is amended to read:

19 49.25 (8) (b) From the appropriation under s. 20.445 (3) (cb), the department  
 20 shall provide funds to Milwaukee county to fund an additional family Circuit court  
 21 commissioner to assist the court in matters affecting the family.

22 SECTION 21. 49.852 (3) of the statutes, *as affected by 1997 Wisconsin Act 191*  
 23 is amended to read:

24 49.852 (3) If a person has requested a hearing pursuant to sub. (2) (b), the  
 25 hearing shall be conducted before the circuit court that rendered the initial order to

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8-17

1 pay support. The court shall schedule a hearing within 10 business days after  
 2 receiving a request for a hearing. The family circuit court commissioner may conduct  
 3 the hearing. If the court determines that the person owes the amount specified in  
 4 the statewide support lien docket under s. 49.854 (2) (b), the department of workforce  
 5 development may direct the department of employe trust funds, the retirement  
 6 system of any 1st class city, any retirement system established under chapter 201,  
 7 laws of 1937, or the administrator of any other pension plan, whichever is  
 8 appropriate, to withhold the amount from any lump sum payment from a pension  
 9 plan that may be paid the person. If the court determines that the person does not  
 10 owe the amount specified in the statewide support lien docket under s. 49.854 (2) (b),  
 11 the department of workforce development may not direct the department of employe  
 12 trust funds, the retirement system of any 1st class city, any retirement system  
 13 established under chapter 201, laws of 1937, or the administrator of any other  
 14 pension plan, whichever is appropriate, to withhold the amount from any lump sum  
 15 payment from a pension plan that may be paid the person.

16 SECTION 22. 49.854 (2) (c) of the statutes <sup>created!</sup> ~~as affected by 1997 Wisconsin Act 191~~  
 17 is amended to read:

18 49.854 (2) (c) *Updating the statewide support lien docket.* The department shall  
 19 update the statewide support lien docket in response to orders issued by a court or  
 20 family circuit court commissioner. The department shall periodically update the  
 21 statewide support lien docket to reflect changes in the amounts of the liens contained  
 22 in the docket.

23 SECTION 23. 49.854 (3) (ag) <sup>created!</sup> ~~of the statutes as affected by 1997 Wisconsin Act~~  
 24 ~~191~~ is amended to read:

a

1           49.854 (3) (ag) 2. If the obligor disagrees with the determination of the  
2 department, the obligor may request a hearing with the court or a family circuit court  
3 commissioner to review the department's determination. To request a hearing under  
4 this subdivision, the obligor shall make the request within 5 business days of the date  
5 of the department's determination under subd. 1. The obligor shall make the request  
6 in writing and shall mail or deliver a copy of the request to the county child support  
7 agency. If a timely request for a hearing is made under this subdivision, the court  
8 or family circuit court commissioner shall hold the hearing within 15 business days  
9 of the request. If, at the hearing, the obligor establishes that the lien is not proper  
10 because of a mistake of fact, the court or family circuit court commissioner shall order  
11 the department to remove the lien from the statewide support lien docket or adjust  
12 the amount of the delinquent obligation.

13           **SECTION 24.** 49.854 (3) (ar) of the statutes, <sup>created</sup> ~~as affected by 1997 Wisconsin Act~~  
14 ~~191~~ is amended to read:

15           **49.854 (3) (ar) Direct appeal.** If the obligor has not requested a financial  
16 records and court order review under par. (ag), the obligor may request a hearing  
17 under this paragraph within 20 business days of the date of the notice under par. (a).  
18 The obligor shall make the request in writing and shall mail or deliver a copy of the  
19 request to the county child support agency. If a timely request for a hearing is made  
20 under this paragraph, the court or family circuit court commissioner shall schedule  
21 a hearing within 10 days after the date of the request. If, at the hearing, the obligor  
22 establishes that the lien is not proper because of a mistake of fact, the court or family  
23 circuit court commissioner shall order the department to remove the lien from the  
24 statewide support lien docket or adjust the amount of the delinquent obligation.

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SECTION 25. 49.854 (3) (b) of the statutes, <sup>created</sup> as affected by 1997 Wisconsin Act

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<sup>1997</sup> is amended to read:

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**49.854 (3) (b) Appeal.** If a family circuit court commissioner conducts a hearing under par. (ag) or (ar), the department or the obligor may, within 15 business days after the date of the decision by the family circuit court commissioner, request review of the decision by the court having jurisdiction over the action. The court conducting the review may order that the lien be withdrawn from the statewide support lien docket or may order an adjustment of the amount of the delinquent obligation. If no appeal is sought or if the court does not order the withdrawal of the lien, the department may take appropriate actions to enforce the lien.

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SECTION 26. 49.854 (5) (f) of the statutes, <sup>created</sup> as affected by 1997 Wisconsin Act 191

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is amended to read:

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**49.854 (5) (f) Hearings.** A hearing requested under par. (d) 6. shall be conducted before the circuit court rendering the order to pay support. Within 45 business days after receiving a request for hearing under par. (d) 6., the court shall conduct the hearing. <sup>A</sup> ~~The family circuit~~ court commissioner may conduct the hearing. The hearing shall be limited to a review of whether the account holder owes the amount of support certified and whether any alternative payment arrangement offered by the department or the county child support agency is reasonable. If the court or family circuit court commissioner makes a written determination that an alternative payment arrangement offered by the department or county child support agency is not reasonable, the court or family circuit court commissioner may order an alternative payment arrangement. If the court or family circuit court commissioner orders an alternative payment arrangement, the court or family circuit court commissioner shall order the department to release all or a portion of

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1 the funds. If the court or family circuit court commissioner determines that the  
2 account holder does not owe support or owes less than the amount claimed by the  
3 department, the court shall order the department to return the seized funds or the  
4 excess of the seized funds over the amount of the delinquency to the account holder.  
5 If a family circuit court commissioner conducts the hearing under this paragraph,  
6 the department or the obligor may, within 15 business days after the date that the  
7 family circuit court commissioner makes his or her decision, request review of the  
8 decision by the court with jurisdiction over the action.

9 SECTION 27.49.854 (6) (c) of the statutes, <sup>as created</sup> as affected by 1997 Wisconsin Act 1912  
10 is amended to read:

11 **49.854 (6) (c) Hearing.** If a hearing is requested under par. (b) 4., the court or  
12 family circuit court commissioner shall schedule a hearing within 10 business days  
13 after receiving the request under par. (b) 4. The hearing shall be limited to a review  
14 of whether the obligor owes the amount of support owed that is stated in the notice  
15 of seizure and whether any alternative payment arrangement offered by the  
16 department or the county child support agency is reasonable. If the court or family  
17 circuit court commissioner makes a written determination that an alternative  
18 payment arrangement offered by the department or county child support agency is  
19 not reasonable, the court or family circuit court commissioner may order an  
20 alternative payment arrangement. If the court or family circuit court commissioner  
21 orders an alternative payment arrangement, the court or family circuit court  
22 commissioner shall order the department to return the seized property within 15  
23 business days. If the court or family circuit court commissioner determines that the  
24 obligor does not owe support or owes less than the amount claimed by the  
25 department, the court shall order the department to return the seized property



1 within 15 business days or specify the amount which may be retained by the  
2 department after the sale of the seized property. If a family circuit court  
3 commissioner conducts the hearing under this paragraph, the department or the  
4 obligor may, within 15 business days after the date that the family circuit court  
5 commissioner makes his or her decision, request review of the decision by the court  
6 with jurisdiction over the action. The court reviewing the decision may order the  
7 department to return the seized property or may authorize the sale of the property  
8 by the department. If the department is ordered to return seized property under this  
9 paragraph, the court shall instruct any state agency responsible for titling the  
10 property that it may transfer title to the property without receiving instructions from  
11 a court or the department under par. (a).

12 SECTION 28. 49.854 (7) (c) of the statutes, as affected by 1997 Wisconsin Act 191,  
13 is amended to read:

14 **49.854 (7) (c) Hearing.** If a hearing is requested under par. (b) 1. c., the court  
15 or family circuit court commissioner shall schedule a hearing within 10 business  
16 days after receiving the request under par. (b) 1. c. The hearing shall be limited to  
17 a review of whether the obligor owes the amount of support owed that is stated in the  
18 notice of intent under par. (b) and whether any alternative payment arrangement  
19 offered by the department or the county child support agency is reasonable. If the  
20 court or family circuit court commissioner makes a written determination that an  
21 alternative payment arrangement offered by the department or county child support  
22 agency is not reasonable, the court or family circuit court commissioner may order  
23 an alternative payment arrangement. If the court or family circuit court  
24 commissioner orders an alternative payment arrangement, the court or family  
25 circuit court commissioner shall order the department not to proceed with the levy.

1 If the court or family circuit court commissioner determines that the obligor does not  
2 owe support or owes less than the amount claimed by the department, the court shall  
3 order the department not to proceed with the levy or specify the amount that may  
4 be retained by the department after the sale of the seized property. If a family circuit  
5 court commissioner conducts the hearing under this paragraph, the department or  
6 the obligor may, within 15 business days after the date that the family circuit court  
7 commissioner makes his or her decision, request review of the decision by the court  
8 with jurisdiction over the action. The court reviewing the decision may order the  
9 department not to proceed with the levy of the property or may authorize the sale of  
10 the property by the department.

11 **SECTION 29.** 49.854 (7m) of the statutes, as affected by 1997 Wisconsin Act 19,  
12 is amended to read:

13 **49.854 (7m) JOINTLY HELD PROPERTY.** A person, other than the obligor, who holds  
14 a joint interest in property levied against under this section may request a hearing,  
15 as provided in subs. (5) (d) 6m., (6) (b) 3m. or (7) (b) 1. d., to determine the proportion  
16 of the value of the property that is attributable to his or her net contribution to the  
17 property. If a hearing is requested under this subsection, the court or family circuit  
18 court commissioner shall schedule a hearing within 10 days after receiving the  
19 request. The hearing shall be limited to determining the proportion of the value of  
20 the property that is attributable to the person's net contribution to the property. If  
21 more than one person requests a hearing under this subsection, or if the obligor  
22 requests a hearing under sub. (5) (f), (6) (c) or (7) (c), with respect to the same  
23 property, the court or family circuit court commissioner may schedule the hearings  
24 together. The person requesting the hearing shall have the burden of proving his or  
25 her net contribution by clear and convincing evidence. If the court determines that

1 a portion of the jointly held property is attributable to the contributions of the person,  
2 the court shall direct the department or the county child support agency to pay the  
3 person, from the net balance of the jointly held account or the net proceeds of the sale  
4 of the jointly held real or personal property, the proportion of the gross value of the  
5 account or real or personal property that is attributable to that person. If the ~~family~~  
6 circuit court commissioner conducts the hearing under this subsection, the person  
7 may, within 15 business days after the date that the ~~family circuit~~ court  
8 commissioner makes his or her decision, request review of the decision by the court  
9 with jurisdiction over the action.

10 **SECTION 30.** 49.855 (3) of the statutes, as affected by 1997 Wisconsin Act 35,  
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11 is amended to read:

12 49.855 (3) Receipt of a certification by the department of revenue shall  
13 constitute a lien, equal to the amount certified, on any state tax refunds or credits  
14 owed to the obligor. The lien shall be foreclosed by the department of revenue as a  
15 setoff under s. 71.93 (3), (6) and (7). When the department of revenue determines  
16 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the  
17 obligor that the state intends to reduce any state tax refund or credit due the obligor  
18 by the amount the obligor is delinquent under the support or maintenance order, by  
19 the outstanding amount for past support, medical expenses or birth expenses under  
20 the court order or by the amount due under s. 46.10 (4). The notice shall provide that  
21 within 20 days the obligor may request a hearing before the circuit court rendering  
22 the order. Within 10 days after receiving a request for hearing under this subsection,  
23 the court shall set the matter for hearing. Pending further order by the court or  
24 ~~family circuit~~ court commissioner, the clerk of circuit court or county support  
25 collection designee under s. 59.53 (5m) is prohibited from disbursing the obligor's

1 state tax refund or credit. The ~~family circuit~~ court commissioner may conduct the  
2 hearing. The sole issues at that hearing shall be whether the obligor owes the  
3 amount certified and, if not and it is a support or maintenance order, whether the  
4 money withheld from a tax refund or credit shall be paid to the obligor or held for  
5 future support or maintenance. An obligor may, within 20 days of receiving notice  
6 that the amount certified shall be withheld from his or her federal tax refund or  
7 credit, request a hearing under this subsection.

8 **SECTION 31.** 49.855 (4m) (b) of the statutes, ~~as affected by 1997 Wisconsin Act~~,

9 ~~35~~ is amended to read:

10 **49.855 (4m) (b)** The department of revenue may provide a certification that it  
11 receives under sub. (2) or (2m) to the department of administration. Upon receipt  
12 of the certification, the department of administration shall determine whether the  
13 obligor is a vendor or is receiving any other payments from this state, except for  
14 wages, retirement benefits or assistance under s. 45.352, 1971 stats., s. 45.351 (1),  
15 this chapter or ch. 46 or 108. If the department of administration determines that  
16 the obligor is a vendor or is receiving payments from this state, except for wages,  
17 retirement benefits or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this  
18 chapter or ch. 46 or 108, it shall begin to withhold the amount certified from those  
19 payments and shall notify the obligor that the state intends to reduce any payments  
20 due the obligor by the amount the obligor is delinquent under the support or  
21 maintenance order, by the outstanding amount for past support, medical expenses  
22 or birth expenses under the court order or by the amount due under s. 46.10 (4). The  
23 notice shall provide that within 20 days after receipt of the notice the obligor may  
24 request a hearing before the circuit court rendering the order. An obligor may, within  
25 20 days after receiving notice, request a hearing under this paragraph. Within 10

1 days after receiving a request for hearing under this paragraph, the court shall set  
 2 the matter for hearing. The family circuit court commissioner may conduct the  
 3 hearing. Pending further order by the court or family circuit court commissioner, the  
 4 clerk of circuit court or county support collection designee under s. 59.53 (5m) may  
 5 not disburse the payments withheld from the obligor. The sole issues at the hearing  
 6 are whether the obligor owes the amount certified and, if not and it is a support or  
 7 maintenance order, whether the money withheld shall be paid to the obligor or held  
 8 for future support or maintenance.

Insert  
17-8

9 **SECTION 32.** 49.856 (4) of the statutes, <sup>as affected</sup> ~~as affected~~ by 1997 Wisconsin Act 191,  
 10 is amended to read:

11 49.856 (4) If the obligor requests a hearing under sub. (3) (b), the circuit court  
 12 shall schedule a hearing within 10 business days after receiving the request. The  
 13 only issue at the hearing shall be whether the person owes the delinquent payment  
 14 or outstanding amount specified in the statewide support lien docket under s. 49.854  
 15 (2) (b). A family circuit court commissioner may conduct the hearing.

16 **SECTION 33.** 49.857 (2) (c) 1. of the statutes, <sup>as affected</sup> ~~as affected~~ by 1997 Wisconsin Act  
 17 ~~191~~ is amended to read:

18 49.857 (2) (c) 1. The system shall provide for adequate notice to an individual  
 19 who is delinquent in making court-ordered payments of support, an opportunity for  
 20 the individual to make alternative arrangements for paying the delinquent support,  
 21 an opportunity for the individual to request and obtain a hearing before a court or  
 22 family circuit court commissioner as provided in sub. (3) and prompt reinstatement  
 23 of the individual's license upon payment of the delinquent support or upon making  
 24 satisfactory alternative payment arrangements.

*Created*  
*[Handwritten signature]*

1

SECTION 34. 49.857 (3) (ac) of the statutes, as affected by 1997 Wisconsin Act

2

~~191~~ is amended to read:

3

49.857 (3) (ac) 1. If an individual timely requests a hearing under par. (a) 5., the court shall schedule a hearing within 10 business days after receiving the request. The family circuit court commissioner may conduct the hearing. The only issues at the hearing shall be whether the individual is delinquent in making court-ordered payments of support and whether any alternative payment arrangement offered by the department of workforce development or the county child support agency is reasonable.

4

2. If at a hearing under subd. 1. the court or family circuit court commissioner finds that the individual does not owe delinquent support, or if within 20 business days after receiving a notice under par. (a) the individual pays the delinquent amount in full or makes satisfactory alternative payment arrangements, the department of workforce development ~~shall~~ <sup>may</sup> not place the individual's name on a certification list.

14

3

3. If at a hearing under subd. 1. the court or family circuit court commissioner makes a written determination that alternative payment arrangements proposed by the department of workforce development or a child support agency are not reasonable, the court or family circuit court commissioner may order for the individual an alternative payment arrangement. If the court or family circuit court commissioner orders an alternative payment arrangement, the department of workforce development may not place the individual's name on a certification list.

23

SECTION 35. 49.857 (3) (ar) of the statutes, as affected by 1997 Wisconsin Act

24

~~191~~ is amended to read:

*[Handwritten signature]*

1           49.857 (3) (ar) 1. If an individual timely requests a hearing under par. (am) 5.,  
 2 the court shall schedule a hearing within 10 business days after receiving the  
 3 request. The ~~family~~ family circuit court commissioner may conduct the hearing. The only  
 4 issues at the hearing shall be whether the individual is delinquent in making  
 5 court-ordered payments of support and whether any alternative payment  
 6 arrangement offered by the department of workforce development or the county child  
 7 support agency is reasonable.

8           2. If at a hearing under subd. 1. the court or ~~family~~ family circuit court commissioner  
 9 finds that the individual does not owe delinquent support, or if within 20 business  
 10 days after receiving a notice under par. (am) the individual pays the delinquent  
 11 amount in full or makes satisfactory alternative payment arrangements, the  
 12 department of workforce development shall remove the individual's name from the  
 13 certification list.

14           3. If at a hearing under subd. 1. the court or ~~family~~ family circuit court commissioner  
 15 makes a written determination that alternative payment arrangements proposed by  
 16 the department of workforce development or a child support agency are not  
 17 reasonable, the court or ~~family~~ family circuit court commissioner may order for the  
 18 individual an alternative payment arrangement. If the court or ~~family~~ family circuit court  
 19 commissioner orders an alternative payment arrangement, the department of  
 20 workforce development may not place the individual's name on a certification list.

21           **SECTION 36.** 49.858 (3) of the statutes <sup>as affected by 1997 Wisconsin Act 191</sup>  
 22 is amended to read:

23           49.858 (3) <sup>CIRCUIT</sup> REVIEW OF ~~FAMILY~~ COURT COMMISSIONER DECISIONS. If a ~~family~~ family circuit  
 24 court commissioner conducts a hearing in any administrative support enforcement  
 25 proceeding under s. 49.852, 49.856 or 49.857, the department of workforce

1 development *or* the obligor may, within 15 business days after the date that the  
2 family circuit court commissioner makes his or her decision, request review of the  
3 decision by the court with jurisdiction over the matter.

4 SECTION 37. 51.10 <sup>✓</sup>(4m)(d) of the statutes is amended to read:

5 51.10 (4m)(d) If a patient admitted under par. (a) 1. has not signed a voluntary  
6 admission application within 7 days after admission, the patient, the guardian ad  
7 litem and the physician who signed the admission request shall appear before the  
8 judge or circuit court commissioner ~~of the court~~ assigned to exercise probate  
9 jurisdiction for the county in which the facility is located to determine whether the  
10 patient shall remain in the facility as a voluntary patient. If the judge or circuit court  
11 commissioner determines that the patient desires to leave the facility, the facility  
12 shall discharge the patient. If the facility has reason to believe the patient is eligible  
13 for commitment under s. 51.20, the facility may initiate procedures for involuntary  
14 commitment.

15 SECTION 38. 51.20 <sup>✓</sup>(1)(c) of the statutes is amended to read:

16 51.20 (1)(c) The petition shall contain the names and mailing addresses of the  
17 petitioners and their relation to the subject individual, and shall also contain the  
18 names and mailing addresses of the individual's spouse, adult children, parents or  
19 guardian, custodian, brothers, sisters, person in the place of a parent and person  
20 with whom the individual resides or lives. If this information is unknown to the  
21 petitioners or inapplicable, the petition shall so state. The petition may be filed in  
22 the court assigned to exercise probate jurisdiction for the county where the subject  
23 individual is present or the county of the individual's legal residence. If the judge of  
24 the court or a circuit court commissioner who handles probate matters is not  
25 available, the petition may be filed and the hearing under sub. (7) may be held before



1 a judge or Circuit court commissioner of any circuit court for the county. e  
 2 purposes of this chapter, duties to be performed by a court shall be carried out by the  
 3 judge of the court or a circuit court commissioner <sup>of the court</sup> <sup>plain text</sup> ~~who is an attorney and~~  
 4 ~~is designated by the judge to so act, in all matters prior to a final hearing under this~~ <sup>Chief</sup> plain  
 5 section. The petition shall contain a clear and concise statement of the facts which  
 6 constitute probable cause to believe the allegations of the petition.' The petition shall  
 7 be sworn to be true. If a petitioner is not a petitioner having personal knowledge as  
 8 provided in par. (b), the petition shall contain a statement providing the basis for his  
 9 or her belief.

10 *\*\*\* NOTE: Should the chief judge <sup>do</sup> the designating? \**  
**SECTION 39.** 51.45 (12) (b) (intro.) of the statutes is amended to read:

11 51.45 (12) (b) (intro.) The physician, spouse, guardian or a relative of the person  
 12 sought to be committed, or any other responsible person, may petition a circuit court  
 13 commissioner or the circuit court of the county in which the person sought to be  
 14 committed resides or is present for commitment under this subsection. The petition  
 15 shall:

16 **SECTION 40.** 51.45 (12) (c) (intro.) <sup>✓</sup> of the statutes is amended to read:

17 51.45 (12) (c) (intro.) Upon receipt of a petition under par. (b), the circuit court  
 18 commissioner or court shall:

19 **SECTION 41.** 51.45 (12) (c) 1. <sup>✓</sup> of the statutes is amended to read:

20 51.45 (12) (c) 1. Determine whether the petition and supporting affidavits  
 21 sustain the grounds for commitment and dismiss the petition if the grounds for  
 22 commitment are not sustained thereby. If the grounds for commitment are sustained  
 23 by the petition and supporting affidavits, the court or circuit court commissioner  
 24 shall issue an order temporarily committing the person to the custody of the county  
 25 department pending the outcome of the preliminary hearing under sub. (13) (d).

1 SECTION 42. 51.45 (13) (dm) ✓ of the statutes is amended to read:

2 51.45 (13) (dm) For the purposes of this section, duties to be performed by a  
3 court shall be carried out by the judge of such court or a <sup>chief</sup> circuit court commissioner  
4 of such court <sup>Plain text</sup> who is an attorney and is designated by the judge to so act, in all matters  
5 prior to a final hearing under this subsection.

plain

6 \*\*\* Note: Should the chief judge do the designating? \*\*\*

6 SECTION 43. 59.37 of the statutes is amended to read:

7 59.37 Service **when no coroner**. Whenever there is a vacancy in the office  
8 of coroner, or when the coroner is absent from the county, sick or unable to perform  
9 the duties of that office, or for any reason, except the nonpayment of legal fees,  
10 refuses to serve and execute legal process against the sheriff in any action  
11 commenced in any court of record within the county for which the coroner was or  
12 should have been elected, any judge of a court of record or circuit court commissioner  
13 of the county may, on proof of the vacancy, sickness, absence or refusal to serve and  
14 execute such process, by an order to be endorsed on such process and addressed to  
15 him or her, empower any citizen of the county in which such process is to be served  
16 and executed to serve and execute the same; and that order shall be sufficient  
17 authority to the person therein named to serve and execute such process with like  
18 powers, liabilities and fees as the coroner.

19 SECTION 44. 59.53 (5) of the statutes, as affected by 1997 Wisconsin Act 41, is  
20 amended t&ad:

21 59.53 (5) **CHILD AND SPOUSAL SUPPORT; PATERNITY PROGRAM; MEDICAL SUPPORT**  
22 **LIABILITY PROGRAM.** The board shall contract with the department of workforce  
23 development to implement and administer the child and spousal support and  
24 establishment of paternity and the medical support liability programs provided for  
25 by Title IV of the federal social security act. The board may designate by board

1 resolution any office, officer, board, department or agency, except the clerk of circuit  
 2 court, as the county child support agency. The board or county child support agency  
 3 shall implement and administer the programs in accordance with the contract with  
 4 the department of workforce development. The attorneys responsible for support  
 5 enforcement under sub. (6) (a), <sup>the plain text</sup> ~~family circuit~~ court commissioner and all other  
 6 county officials shall cooperate with the county and the department of workforce  
 7 development as necessary to provide the services required under the programs. The  
 8 county shall charge the fee established by the department of workforce development  
 9 under s. 49.22 for services provided under this subsection to persons not receiving  
 10 benefits under s. 49.148 or 49.155 or assistance under s. 46.261, 49.19 or 49.47.

11 **SECTION 45. 59.53 (5m)** (a) of the statutes, as affected by 1997 Wisconsin Act  
 12 ~~197~~ is amended to read:

13 **59.53 (5m)** (a) Subject to approval of the department of workforce development  
 14 under par. (am), designate by resolution any office, officer, board, department or  
 15 agency as the county support collection designee to receive and disburse child and  
 16 spousal support payments ordered by the court under s. 948.22 (7) and child and  
 17 family support payments and maintenance payments ordered by the court or the  
 18 family circuit court commissioner under ch. 767 or ordered by a court in another  
 19 county or jurisdiction but enforced or received by the court of the support collection  
 20 designee's county.

21 **SECTION 46. 59.64 (1) (c)** of the statutes is amended to read:  
 22 **59.64 (1) (c) Of judicial officers.** ~~Court Circuit and supplemental court~~  
 23 commissioners shall, on or before the first Monday of November in each year, forward  
 24 to the clerk of their respective counties a correct statement of all actions or  
 25 proceedings had before them, during the immediately preceding year, in which the

*Insert  
23-24*

1 county became liable for costs, giving the names of the parties in each action or  
 2 proceeding, the nature and result of the same, the amount of costs in detail in each  
 3 case and what items, if any, have been paid and the amount thereof. The clerk shall  
 4 file such statements in his or her office. Any such officer who neglects to make and  
 5 return such statements within the time prescribed in this paragraph shall not  
 6 receive any compensation from the county for any service rendered by him or her in  
 7 any criminal case or proceeding during the year next preceding the time when the  
 8 statement is required to be made and returned.

✓  
 insert  
 24-8 →

SECTION 47. 59.64 (1) (d) (intro.) of the statutes is amended to read:

10 59.64 (1) (d) ~~(intro.)~~ *Of court officers; certification; audit by district attorney;*  
 11 *(intro.)* waiver. Fees of officers, in any action or proceeding before a circuit or supplemental  
 12 court commissioner, shall be certified to and allowed by the board in, the following  
 13 manner:

✓  
 insert  
 24-13 →

SECTION 48. 59.64 (1) (e) of the statutes is amended to read:

15 59.64 (1) (e) *Fees for statements and certificates.* Every circuit or supplemental  
 16 court commissioner shall receive from the treasurer \$1 per page for making  
 17 statements and returns required by par. (c) and \$1 for making each certificate  
 18 required by par. (d). All such statements and certificates shall be transmitted to the  
 19 clerk by certified mail and for transmitting the statements and certificates the circuit or supplemental  
 20 court commissioner shall receive \$1.

SECTION 49. 59.64 (1) (f) of the statutes is amended to read:

22 59.64 (1) (f) ~~Court commissioners.~~ *Circuit and supplemental court* The board at any session thereof may as  
 23 provided in par. (d) 2. examine and allow any statement, account or claim of any  
 24 circuit or supplemental court commissioner which is on file with the clerk before the  
 25 opening of the session of the board.

\*\*\*\*NOTE: I did not amend s. 59.64 (1)(g) 4., thus making all court commissioners, including municipal court commissioners, subject to penalties under s. 946.12. OK?

1 SECTION 50. 59.79 (5) of the statutes is amended to read:

2 59.79 (5) FEE FOR CERTAIN MARRIAGE CEREMONIES. Enact an ordinance imposing  
3 a fee to be paid in advance to the clerk for each marriage ceremony performed by a  
4 judge or a circuit or supplemental court commissioner specified in s. 765.16 (5) in the  
5 courthouse, safety building or children's court center during hours when any office  
6 in those public buildings is open for the transaction of business. The amount of the  
7 fee shall be determined by the board.

8 SECTION 51. 63.03 (2) (z) of the statutes is amended to read:

9 63.03 (2) (z) ~~Full-time~~ Circuit court commissioners under s. 757.68 (1). Any  
10 person aualifred and acting as a court commissioner on August 1, 1978. shall be  
11 considered a circuit court commissioner and shall continue in the classified county  
12 civil service but any person appointed as a court commissioner after August 1, 1978,  
13 shall be in the unclassified ~~(exempt)~~ civil service.

14 SECTION 52. 69.15 (3m) (a) 3. and 4. of the statutes, ~~as affected by 1997~~  
15 ~~Wisconsin Act 197~~, are amended to read:

16 69.15 (3m) (a) 3. Except as provided in subd. 4, the person rescinding the  
17 statement files the document under subd. 2. before the day on which a court or ~~family~~  
18 circuit court commissioner makes an order in an action affecting the family involving  
19 the man who signed the statement and the child who is the subject of the statement  
20 or before 60 days elapse after the statement was filed, whichever occurs first.

21 4. If the person rescinding the statement was under age 18 when the statement  
22 was filed, the person files the document under subd. 2. before the day on which a  
23 court or ~~family~~ circuit court commissioner makes an order in an action affecting the

1 family involving the man who signed the statement as the father of the registrant  
2 and the child who is the subject of the statement or before 60 days elapse after the  
3 person attains age 18, whichever occurs first.

4 SECTION 53. 75.43<sup>✓</sup> of the statutes is amended to read:

5 **75.43 Election to receive deposit;** costs. The county may, at any time  
6 within 20 days after receiving an answer showing that a deposit has been made by  
7 any defendant or defendants as provided in s. 75.42, give notice to such defendant  
8 or defendants that it elects to receive such deposit and that it will, at a time specified  
9 in such notice, apply to the clerk of the circuit court, circuit judge or a circuit court  
10 commissioner to adjust the costs and disbursements which said defendant or  
11 defendants ought to pay, and that upon the payment of the costs and disbursements  
12 so adjudged the county will release to such defendant or defendants all right, title  
13 and claim which it has to the parcel or parcels of land on account of which ~~such~~  
14 <sup>the</sup> deposit is made by virtue of any deed made for the nonpayment of taxes; and unless  
15 <sup>the</sup> ~~such~~ costs are paid within 20 days after the same shall have been so adjusted the  
16 clerk of the court shall, upon presentation of an affidavit showing the nonpayment  
17 thereof, enter judgment therefor in favor of the county and against the defendant,  
18 which shall be enforced as other money judgments.

19 SECTION 54. 101.02 (5) (c)<sup>✓</sup> of the statutes is amended to read:

20 101.02 (5) (c) In the discharge of his or her duties such agent shall have every  
21 power of an inquisitorial nature granted in this subchapter to the department, the  
22 same powers as a supplemental court commissioner with regard to the taking of  
23 depositions and all powers granted by law to a sunnlemental court commissioner  
24 relative to depositions.

25 SECTION 55. 103.005 (5) (c)<sup>✓</sup> of the statutes is amended to read:

1           103.005 (5) (c) In the discharge of his or her duties such agent shall have every  
2 power of an inquisitorial nature granted in chs. 103 to 106 to the department, the  
3 same powers as a supplemental court commissioner with regard to the taking of  
4 depositions and all powers granted by law to a supplemental court commissioner  
5 relative to depositions.

6           **SECTION 56.** 133.10 (1) ✓ of the statutes is amended to read:

7           133.10 (1) The examination of any party, or if a corporation or limited liability  
8 company be a party, of the president, secretary, other principal officer or the general  
9 managing agent thereof, or of the person who was such president, secretary, officer  
10 or agent at the time of the occurrence of the facts made the subject of the  
11 examination, or of any person acting for another or for a corporation, limited liability  
12 company or partnership, other than as a witness on a trial, may be taken by  
13 deposition at the instance of the department of justice in any such action or  
14 proceeding at any time between the commencement thereof and final judgment.  
15 Such deposition shall be taken within the state before a judge at chambers or a circuit  
16 or supplemental court commissioner on previous notice to such party and any other  
17 adverse party or the attorney thereof of at least 5 days, and may be taken without  
18 the state.

19           **SECTION 57. 133.11 (1)** ✓ of the statutes is amended to read:

20           **133.11 (1)** Whenever the attorney general files with any circuit or  
21 supplemental court commissioner a statement that the attorney general has reason  
22 to believe and does believe that a violation of this chapter has occurred, the  
23 commissioner shall issue a subpoena or a subpoena requiring the production of  
24 materials as requested by the department of justice. **Mileage or witness fees are not**  
25 required to be paid in advance but claims for such mileage and fees duly verified and

1 approved by the department of justice shall be audited and paid out of the state  
2 treasury and charged to the appropriation provided by s. 20.455 (1) (d), and shall be  
3 at the same rates as witnesses in the circuit court.

4 **SECTION 58.** 171.04 (1)<sup>✓</sup> of the statutes is amended to read:

5 171.04 (1) If any property delivered to any forwarding merchant, wharfinger  
6 or warehouse keeper, for carriage *or* storage, is in a state of decay or manifestly liable  
7 to immediate damage and decay, the person in whose custody the property is, the  
8 person's agent or attorney, may make an affidavit of this fact, and present the  
9 affidavit to a circuit judge or circuit court commissioner for the county in which the  
10 property is located, and the circuit judge or circuit court commissioner shall  
11 immediately make an order requiring the sheriff or any constable of the county to  
12 immediately inspect the property, and directing him or her, if it is found to be in a  
13 state of decay or manifestly liable to immediate damage or decay, to summarily sell  
14 the property without notice.

15 **SECTION 59.** 171.05<sup>✓</sup> of the statutes is amended to read:

16 **171.05 Perishable property, held otherwise, how disposed of.** If any  
17 property is perishable or subject to decay by keeping, the person in whose custody  
18 the property is, the person's agent or attorney, may make an affidavit of this fact and  
19 present the affidavit to a circuit judge or circuit court commissioner for the county  
20 in which the property is located, and the judge or circuit court commissioner shall  
21 immediately make an order requiring the sheriff or any constable of the county to  
22 immediately inspect the property, and if it is found to be perishable or subject to  
23 decay by keeping, to ~~make and return~~ an affidavit of this fact. Upon the return of  
24 this affidavit, the judge <sup>circuit court</sup> ~~or commissioner~~ making the order shall immediately issue  
25 an order requiring the sheriff or constable to sell the property at public auction,



1 giving notice of the time and place of the sale by publication of a class 1 notice, under  
2 ch. 985, and serving upon the consignor, the consignee and the custodian of the  
3 property, if they are known, a copy of the notice by mail. The sheriff or constable  
4 shall, at the time and place fixed by the notice, unless the property has been  
5 otherwise lawfully disposed of, sell the property at public auction, and shall make  
6 full return of his or her execution of the order, and return the same with an inventory  
7 of the property and the proceeds of the sale, after deducting his or her fees, to the  
8 judge <sup>or circuit court</sup> or commissioner making the order. From the proceeds of the sale, the judge  
9 <sup>or circuit court</sup> or commissioner shall pay all legal charges that have been incurred in relation to the  
10 property, or a ratable proportion of each charge, if the proceeds of the sale are not  
11 sufficient to pay all the charges; and the balance, if any, the judge or circuit court  
12 commissioner shall immediately pay over to the treasurer of the county, with a copy  
13 of all the proceedings in the matter. The county treasurer shall file the copy in his  
14 or her office. The person in whose custody the property is when the proceedings for  
15 the sale were commence<sup>↓</sup> & shall immediately notify the consignor and consignee of  
16 the sale, <sup>✓</sup> in writing <sup>✓</sup> which shall be served by leaving a copy with the consignor and  
17 consignee personally or by mail.

18 SECTION 60. 171.06 of the statutes is amended to read:

19 **171.06 Unclaimed property, how disposed of.** When any property is not  
20 perishable or subject to decay and is not claimed and taken away within one year  
21 after it was received, it may be sold as follows: The person in whose custody the  
22 property is, or the person's agent or attorney, may make an affidavit of the facts and  
23 present the same to a judge or circuit court commissioner of the county in which the  
24 property is located and such judge or circuit court commissioner shall immediately  
25 issue an order requiring the sheriff or any constable of the county to sell the property

1 at public auction, giving 60 days' notice of the time and place of the sale to the  
 2 consignor, the consignee and the custodian of the property. This notice shall be in  
 3 writing and served personally or by mail upon the persons whose names and  
 4 residences are known. If the name or residence of any of the persons is unknown and  
 5 cannot be ascertained with reasonable diligence, the sheriff or constable shall make  
 6 an affidavit of this fact and shall publish a class 3 notice, under ch. 985, in the county.

7 At the time and place of the sale the sheriff or constable shall sell the property at

8 public auction and shall make a full return of the sheriff's or constable's proceedings

9 ⑨ under the order to the judge or circuit court commissioner issuing the order, together with proof  
 10 of service or publication of the notice of the sale, and an inventory of the property sold

11 and the proceeds of the sale after deducting the sheriff's or constable's fees. From

12 the proceeds of the sale the judge or circuit court commissioner shall pay all legal charges that

13 have been incurred in relation to the property, including the charges of the person

14 in whose custody the property was when the proceedings were begun, or a ratable

15 proportion of each charge if the proceeds of the sale are not sufficient to pay all <sup>of</sup> the

16 ~~charges; and the balance, if any, the judge or commissioner shall immediately pay~~ <sup>• The circuit court</sup>

17 <sup>any balance remaining</sup> over to the treasurer of his or her county, with a copy of all proceedings in the matter.

18 The county treasurer shall file the copy in his or her office. The person in whose

19 ⑩ custody the property is when any proceeding for the sale is commenced shall

20 immediately notify the consignor and consignee of the sale, in writing, and served

21 by leaving a copy thereof with the consignor and consignee, personally or by mail.

22 SECTION 61. 196.24 (2) of the statutes is amended to read:

23 196.24 (2) In the discharge of his or her duties, an agent appointed under sub.

24 (1) shall have any inquisitional power granted to the commission and the power of

1 a supplemental court commissioner to take depositions under s. ~~757.69 (3)~~ <sup>✓</sup> 753.36 (2)  
2 (b).

3 SECTION 62. 563.71 <sup>✓</sup> (1) (a) of the statutes is amended to read:

4 563.71 (1) (a) Whenever the attorney general files with a circuit or  
5 supplemental court commissioner a statement that the attorney general believes  
6 that a violation of this chapter has occurred, the commissioner shall issue a subpoena  
7 for any person requested or named by the attorney general. Mileage and witness fees  
8 need not be paid in advance, but only verified claims for mileage and fees which are  
9 approved by the attorney general shall be paid out of the state treasury and charged  
10 to the appropriation under s. 20.455 (1) (d) and shall be the same rates as those paid  
11 witnesses in circuit court.

12 SECTION 63. 753.175 <sup>✓</sup> of the statutes is ~~amended to read~~ <sup>repealed</sup>

13 ~~753.175 Fees; where paid. Any fee received by a judge of a court as a circuit~~  
14 ~~or supplemental court commissioner shall be paid into the county treasury except~~  
15 ~~that any amount payable under s. 814.68 (1) to a reporter shall be paid to such~~  
16 ~~reporter.~~

17 SECTION 64. 753.36 (title) of the statutes is created to read:

18 753.36 (title) **Supplemental court commissioners.**

19 SECTION 65. 757.23 of the statutes, ~~as affected by 1997 Wisconsin Act 27,~~ is  
20 amended to read:

21 **757.23 Court commissioner, when disqualified.** A

22 ~~commissioner, a court commissioner, or any judge acting as a court commissioner,~~  
23 ~~shall not act or take part in the decision of, or make any order in any matter or~~  
24 ~~proceeding in which he or she is a party, or in which his or her rights would be in any~~  
25 ~~manner affected by his or her decision or order thereon, or in which he or she is~~

insert  
31-11  
61-11  
31-18  
insert

1 interested, or in which his or her law partner, or any person connected with him or  
 2 her as employer, employe or clerk, or in the law business in any manner, shall be  
 3 interested or appear as a party, agent, attorney or counsel. Any ~~municipal court~~  
 4 ~~commissioner, court commissioner or judge, acting as a court commissioner, violating~~  
 5 this section shall forfeit \$25 for each violation, and shall also be subject to removal  
 6 from office.

7 **SECTION 66.** 757.24<sup>✓</sup> of the statutes is amended to read:

8 757.24 **Liability of judicial officers.** Circuit judges and circuit court  
 9 commissioners shall be held personally liable to any party injured for any wilful  
 10 violation of the law in granting injunctions and appointing receivers, or for refusing  
 11 to hear motions to dissolve injunctions and to discharge receivers if the motions are  
 12 made in accordance with law or such rules as are promulgated by the supreme court.

13 **SECTION 67.** 757.30 (2)<sup>✓</sup> of the statutes is amended to read:

14 757.30 (2) Every person who appears as agent, representative or attorney, for  
 15 or on behalf of any other person, or any firm, partnership, association or corporation  
 16 in any action or proceeding in or before any court of record, rcuit or supplemental  
 17 court commissioner, or judicial tribunal of the United States, or of any state, or who  
 18 otherwise, in or out of court, for compensation or pecuniary reward gives professional  
 19 legal advice not incidental to his or her usual or ordinary business, or renders any  
 20 legal service for any other person, . or any firm, partnership, association or  
 21 corporation, shall be deemed to be practicing law within the meaning of this section.

22 **SECTION 68.** 757.68<sup>✓</sup> (title) of the statutes is amended to read:

23 757.66 (title) **Court Circuit court commissioners.**

24 **SECTION 69.** 757.68 (1 j)<sup>✓</sup> of the statutes is repealed and recreated to read:

1 757.68 (1) In every county organized for judicial purposes, the county board  
 2 shall establish ~~within the unclassified service~~ <sup>office</sup> the ~~position~~ of family court  
 3 commissioner, and ~~such additional~~ <sup>the number of</sup> circuit court commissioner positions ~~as needed~~ <sup>necessary</sup> for  
 4 the efficient administration of judicial business within the circuit courts of the  
 5 county. ~~The family court commissioner shall be a circuit court commissioner. The~~  
 6 ~~family court commissioner and~~ <sup>The</sup> circuit court commissioners may be full-time or  
 7 part-time. Each circuit court commissioner shall take and file the official oath in the  
 8 office of the clerk of the circuit court of the county for which appointed before  
 9 performing any duty of the office. Chapter 75 of the supreme court rules shall govern  
 10 the qualifications for, and appointment, supervision, training, evaluation and  
 11 discipline of, circuit court commissioners. <sup>The</sup> ~~appoint a circuit court commissioner to supervise~~ <sup>family</sup>

12 **SECTION 70.** 757.68 (2) of the statutes is renumbered 753.36 (1) and amended <sup>court</sup>  
 13 to read: <sup>commissioner.</sup>

14 753.36 (1) ~~(title) PART-TIME COURT COMMISSIONERS~~ In each county the circuit  
 15 judges shall appoint ~~such~~ <sup>the</sup> number of ~~part-time~~ <sup>plan</sup> supplemental court  
 16 commissioners as the proper transaction of business requires ~~subject to the following~~  
 17 ~~exception, except that~~ in counties having a population of 200,000 or more each judge  
 18 may appoint not more than 2 ~~such~~ supplemental commissioners ~~and in counties~~  
 19 ~~having a population of less than 200,000 each judge shall, as nearly as possible,~~  
 20 ~~appoint an equal number of commissioners within the county.~~ In all counties the  
 21 appointments shall be subject to the approval of a majority of the circuit judges for  
 22 the county. Appointments shall be in writing and shall be filed in the office of the  
 23 clerk of the circuit court. <sup>supplemental</sup> All court commissioners appointed after May 16, 1978,  
 24 ~~other than official court reporters acting under s. 814.68 (1) (b) performing duties or~~  
 25 ~~exercising powers specified for court reporters,~~ shall be attorneys licensed to practice

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SEC. -- KP. 757.68 (2) (title)

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1 in this state. The appointing judge may remove, at will and without cause, any  
2 supplemental court commissioner appointed by the judge or the judge's predecessor  
3 in office. Unless he or she is so removed, the term of each supplemental court  
4 commissioner shall continue until the expiration of the term of the appointing judge  
5 ~~and until the successor of the commissioner is appointed and qualified.~~ Each  
6 supplemental court commissioner shall take and file the official oath in the office of  
7 clerk of the circuit court of the county for which appointed before performing any  
8 duty of the office.

9 SECTION 71. 757.68 (2m) of the statutes is created to read:

10 757.68 (2m) In counties having a population of 500,000 or more, at least one  
11 full-time circuit court commissioner position shall be established to assist in the  
12 administration of actions under ch. 799. The county board shall set the salary of a

13 ~~person appointed to be a full-time circuit court commissioner under this subsection.~~

14 SECTION 72. 757.68 (3), ~~and (4)~~, <sup>and (5) (title)</sup> of the statutes are repealed.

15 SECTION 73. 757.68 (5) of the statutes is renumbered 753.36 (6) and amended  
16 to read:

17 753.36 (6) ~~(title) Fees~~ <sup>reasonable</sup> ~~Part-time Supplemental~~ court commissioners  
18 appointed under sub. ~~(2)~~ <sup>(1)</sup> shall collect the ~~fees~~ <sup>fees</sup> ~~prescribed in s. 814.68 (1).~~ <sup>established by rule under</sup> s. 753.35

19 SECTION 74, 757.69 (title) of the statutes is amended to read:

20 757.69 (title) **Powers and duties of circuit court commissioners.**

21 SECTION 75. 757.69 (1) (intro.) of the statutes is repealed and recreated to read:

22 757.69 (1) (intro.) An order under SCR 75.02 appointing a circuit court  
23 commissioner shall confer all <sup>of</sup> the powers and duties of a circuit court commissioner  
24 allowed under state law or shall specify the duties that a circuit court commissioner  
25 may perform <sup>A circuit court commissioner may</sup> including the following:

1 SECTION 76. 757.69 (1) (b) of the statutes is amended to read:

2 757.69 (1) (b) In criminal matters issue summonses, arrest warrants or search  
3 warrants ~~and~~, conduct initial appearances of persons arrested ~~and~~, set bail to the  
4 ~~same extent as a judge. If the initial appearance, the court commissioner shall,~~  
5 ~~when necessary,~~ inform the defendant in accordance with s. 970.02 (1). ~~If the~~  
6 ~~defendant appears or claims to be unable to afford counsel, the court commissioner,~~  
7 ~~in accordance with s. 970.02 (6), may and~~ refer the person to the authority for  
8 indigency determinations specified under s. 977.07 (1). ~~If the court commissioner is~~  
9 ~~a full-time~~ ~~A circuit~~ court commissioner, ~~he or she~~ may conduct the preliminary  
10 examination and arraignment ~~to the same extent as a judge~~ and, with the consent  
11 of both the state and the defendant, ~~may~~ accept a guilty plea. If a court refers a  
12 disputed restitution issue under s. 973.20 (13) (c) 4., the circuit court commissioner  
13 shall conduct the hearing on the matter in accordance with s. 973.20 (13) (c) 4.

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14 SECTION 77. 757.69 (1) (g) of the statutes is amended to read:

15 757.69 (1) (g) When assigned to the court assigned jurisdiction under chs. 48  
16 and 938, ~~a circuit~~ court commissioner may, under ch. 48 or 938, Issue summonses and  
17 warrants, Order the release or detention of children apprehended, Conduct  
18 and shelter care hearings, Conduct preliminary appearances, Conduct uncontested  
19 proceedings under ss. 48.13, 938.12, 938.13 and 938.18, Enter into consent decrees  
20 and Exercise the powers and perform the duties specified in par. (j) or (m), whichever  
21 is applicable, in proceedings under s. 813.122 or 813.125 in which the respondent is  
22 a child. ~~Contested waiver hearings under s. 938.18 and dispositional hearings under~~  
23 ~~ss. 48.335 and 938.335 shall be conducted by a judge. When acting in an official~~  
24 ~~capacity and assigned to the children's court center, a circuit court commissioner~~  
25 ~~shall sit at the children's court center or such other facility designated by the chief~~

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1 judge. Any decision by the commissioner shall be reviewed by the judge of the branch  
 2 of court to which the case has been assigned upon motion of any party. Any  
 3 determination, order or ruling by the commissioner may be certified to the branch  
 4 of court to which such case has been assigned upon a motion of any party for a hearing  
 5 de-novo

6 SECTION 78. 757.69 (1) (k) of the statutes is repealed.

7 SECTION 79. 757.69 (2) (intro.) of the statutes is amended to read:

8 757.69 (2) (intro.) A judge may refer to a circuit court commissioner appointed  
 9 under s. 48.065, 757.68, 757.72, 767.13 or 938.065 SCR 75.02 cases in which:

10 SECTION 80. 757.69 (2) (a) of the statutes is amended to read:

11 757.69 (2) (a) The trial of an issue of fact requires the examination of an  
 12 account, in which case the circuit court commissioner may be directed to report upon  
 13 any specific question of fact involved therein.

14 SECTION 81. 757.69 (2m) of the statutes is created to read:

15 757.69 (2m) Circuit court commissioners may exercise, under their own  
 16 authority, all of the powers listed under s. 753.36 (2) to (5) *ae*

17 SECTION 82. 757.69 (3) of the statutes is renumbered 753.36 (2), and 753.36 (2)  
 18 (intro.) and (g), as renumbered, *are* amended to read:

19 753.36 (2) (intro.) Court Supplemental court commissioners appointed under  
 20 s. 48.065, 757.68, 757.72, 767.13 or 938.065 may, under their own authority:

21 (g) Except as provided in s. 767.13 (5) (c), *757.69(1)(c) 3.* conduct a paternity proceeding  
 22 according to the procedures set out in ch. 767 whenever a circuit court commissioner  
 23 is specifically authorized to do so.

24 SECTION 83. 757.69 (4) and (5) of the statutes are renumbered 753.36 (3) and  
 25 (4) and amended to read:



✓ ✓ <sup>i</sup>  
~~3~~ (2) (a) to ~~(e)~~

1

753.36 (3) In addition to the duties expressly set forth in sub. ~~(3)~~ (2) (a) to ~~(e)~~,  
2 a supplemental court commissioner may perform other ministerial duties as  
3 required by a court.

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(4) A supplemental court commissioner may transfer to a court any matter in  
5 which it appears that justice would be better served by such a transfer.

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SECTION 84. 757.69 (6) of the statutes is repealed.

7

SECTION 85. 757.69 (7) of the statutes is renumbered 753.36 (5) and amended  
8 to read:

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753.36 (5) A supplemental court commissioner shall refer to a court of record  
10 for appropriate action every alleged showing of contempt in the carrying out of the  
11 lawful decisions of the supplemental court commissioner.

10

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12

SECTION 86. 757.695 of the statutes is renumbered 799.08, and 799.08 (intro.),  
13 as renumbered, is amended to read:

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799.08 ~~Article~~ **Circuit court commissioners; small claims matters.**  
15 (intro.) If a A circuit court commissioner ~~has been appointed under s. 757.68 (1) (b)~~  
16 authorized to assist in the administration of ~~small claims matters~~, ~~the commissioner~~  
17 matters under this chapter shall conduct the hearings and proceedings as prescribed  
18 by ~~ch. 799~~ this chapter and ~~shall~~ <sup>stet</sup> have the following additional duties and authority

~~may:~~

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SECTION 87. 757.70 (2) of the statutes is amended to read:

21

757.70 (2) All hearings before a circuit or supplemental court commissioner  
22 shall be held in the county courthouse or other court facilities provided by law. This  
23 provision does not apply to nontestimonial proceedings, supplementary hearings on  
24 the present financial status of a debtor under s. ~~757.69 (3)~~ 753.36 (2) (h) or  
25 depositions taken before a circuit or supplemental court commissioner.

25

1 SECTION 88. 757.72 (title) of the statutes is amended to read:

2 **757.72** (title) **Office <sup>(B) Circuit</sup> Position of probate court commissioner** *in probate matters*

3 SECTION 89. 757.72 (1) of the statutes is amended to read:

4 757.72 (1) In counties having a population of 500,000 or more, there is created  
5 in the classified civil service ~~the office of probate~~ a circuit court commissioner  
6 position to assist in probate matters. In counties having a population of at least  
7 100,000 but not more than 500,000, the county board may create ~~the office of probate~~  
8 a circuit court commissioner position to assist in probate matters, which may be in  
9 the classified civil service.

10 SECTION 90. 757.72 (2) of the statutes is repealed.

11 SECTION 91. 757.72 (3) of the statutes is repealed.

12 SECTION 92. 757.72 (4) of the statutes is repealed and recreated to read:

13 757.72 (4) Circuit court commissioners assisting in probate matters shall be  
14 appointed under SCR 75.02 (2) and are subject to chapter 75 of the supreme court  
15 rules.

16 SECTION 93. 757.72 (5) of the statutes is repealed.

17 SECTION 94. 757.72 (6) of the statutes is repealed.

18 SECTION 95. 757.72 (7) of the statutes is repealed.

19 SECTION 96. 757.72 (8) of the statutes is ~~amended to read:~~ *repealed.*

20 ~~757.72 (8) The probate circuit court commissioners assisting in probate~~  
21 ~~matters may administer oaths, take depositions and testimony, and certify and~~  
22 ~~report the depositions and testimony, take and certify acknowledgments, allow~~  
23 ~~accounts and fix the amount and approve the sufficiency of bonds.~~

24 SECTION 97. 757.81 (2) of the statutes is amended to read:

*In sent 38-16*

*fix component*

*B*  
*in probate matters*

*(Large rectangular box surrounding the crossed-out text in lines 20-23)*

1 ~~757.81 (2) "Court commissioner" means a circu court commissioner appointed~~  
 2 ~~under s. 757.68, a family court commissioner under s. 767.13, a juvenile court~~  
 3 ~~commissioner under s. 48.065 or 938.065 and a probate court commissioner under~~  
 4 ~~s. 757.72 SCR 75.02 (1) or a supplemental court commissioner authorized under SCR~~  
 5 ~~75.02 (2) to perform duties specified under SCR 75.03 on a temporary or occasional~~  
 6 ~~basis.~~

✓  
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7 7 SECTION 98. 765.11 (1) of the statutes is amended to read:

8 765.11 (1) If any parent, grandparent, child, or natural guardian of a minor  
 9 applicant for a marriage license, any brother, sister or guardian of either of the  
 10 applicants for a marriage license, either of the applicants, the district attorney or the  
 11 family circuit court commissioner believes that the statements of the application are  
 12 false or insufficient, or that the applicants or either of them are incompetent to  
 13 marry, that person may file with the court having probate jurisdiction in the county  
 14 in which the marriage license is applied for, a petition under oath, setting forth the  
 15 grounds of objection to the marriage and asking for an order requiring the parties  
 16 making such application to show cause why the marriage license should not be  
 17 refused. Whereupon, the court, if satisfied that the grounds of objection are prima  
 18 facie valid, shall issue an order to show cause as aforesaid, returnable as the court  
 19 directs, but not more than 14 days after the date of the order, which shall be served  
 20 forthwith upon the applicants for the marriage license residing in the state, and upon  
 21 the clerk before whom the application has been made, and shall operate as a stay  
 22 upon the issuance of the marriage license until further ordered; if either or both of  
 23 the applicants are nonresidents of the state the order shall be served forthwith upon  
 24 the nonresident by publication of a class 1 notice, under ch. 985, in the county

1 wherein the application is pending, and by mailing a copy thereof to the nonresident  
2 at the address contained in the application.

3 SECTION 99. 765.11 (2) of the statutes is amended to read:

4 765.11 (2) If, upon hearing, the court finds that the statements in the  
5 application are wilfully false or insufficient, or that either or both of said parties are  
6 not competent in law to marry, the court shall make an order refusing the marriage  
7 license, and shall immediately report such matter to the district attorney. If said  
8 falseness or insufficiency is due merely to inadvertence, then the court shall permit  
9 the parties to amend the application so as to make the statements therein true and  
10 sufficient, and upon application being so amended, the marriage license shall be  
11 issued. If any party is unable to supply any of the information required in the  
12 application, the court may, if satisfied that such inability is not due to wilfulness or  
13 negligence, order the marriage license to be issued notwithstanding such  
14 insufficiency. The costs and disbursements of the proceedings under this section  
15 shall rest in the discretion of the court, but none shall be taxed against any district  
16 attorney or family circuit court commissioner acting in good faith.

17 SECTION 100. 765.16 (5) of the statutes is amended to read:

18 765.16 (5) Any ~~family court commissioner appointed under s. 767.13~~ or circuit  
19 court commissioner appointed under SCR 75.02 (1) or supplemental court  
20 commissioner appointed under s. ~~757.68~~ 753.36 (1).

21 SECTION 101. 767.045 (1) (c) (intro.) of the statutes ~~was~~ affected by 1997  
22 Wisconsin Act 1997 is amended to read:

23 767.045 (1) (c) (intro.) The attorney responsible for support enforcement under  
24 s. 59.53 (6) (a) may request that the court or family circuit court commissioner  
25 appoint a guardian ad litem to bring an action or motion on behalf of a minor who

1 is a nonmarital child whose paternity has not been acknowledged under s. 767.62 (1)  
2 or a substantially similar law of another state or adjudicated for the purpose of  
3 determining the paternity of the child, and the court or ~~family circuit~~ court  
4 commissioner shall appoint a guardian ad litem, if any of the following applies:

5 **SECTION 102.** 767.081 (title) <sup>✓</sup> of the statutes is amended to read:

6 767.081 (title) **Information from the office of the family court**  
7 **commissioner.**

8 **SECTION 103.** 767.081 (1) <sup>✓</sup> of the statutes is amended to read: office of the

9 767.681 (1) Upon the filing of an action affecting the family, the ~~family court~~

10 commissioner shall inform the parties of any services, including referral services,

11 ~~offered by the family court commissioner, his or her office and by the director of family~~

12 <sup>office of the</sup> <sup>plain</sup> court counseling services under s. 767.11.

13 **SECTION 104.** 767.083 (2) <sup>✓</sup> of the statutes is amended to read:

14 767.083 (2) An order by the court, after consideration of the recommendation  
15 of the ~~family circuit~~ court commissioner, directing an immediate hearing on the  
16 petition for the protection of the health or safety of either of the parties or of any child  
17 of the marriage or for other emergency reasons consistent with the policies of this  
18 chapter. The court shall upon granting such order specify the grounds therefor.

19 **SECTION 105.** 767.085 (1) (i) <sup>✓</sup> of the statutes is amended to read:

20 767.085 (1) (i) If the action is one under s. 767.02 (1) (a), (b), (c), (d), (h) or (i),  
21 that during the pendency of the action, without the consent of the other party or an  
22 order of the court or ~~family circuit~~ court commissioner, the parties are prohibited  
23 from, and may be held in contempt of court for, encumbering, concealing, damaging,  
24 destroying, transferring or otherwise disposing of property owned by either or both

1 of the parties, except in the usual course of business, in order to secure necessities  
2 or in order to pay reasonable costs and expenses of the action, including attorney fees.

3 SECTION 106. 767.085 (1) (j) (intro.) of the statutes is amended to read:

4 767.085 (1) (j) (intro.) Unless the action is one under s. 767.02 (1) (g) or(h), that  
5 during the pendency of the action, the parties are prohibited from, and may be held  
6 in contempt of court for, doing any of the following without the consent of the other  
7 party or an order of the court or family circuit court commissioner:

8 SECTION 107. 767.087 (1) (b) of the statutes is amended to read:

9 767.087 (1) (b) If the action is one under s. 767.02 (1) (a), (b), (c), (d), (h) or(i),  
10 encumbering, concealing, damaging, destroying, transferring or otherwise disposing  
11 of property owned by either or both of the parties, without the consent of the other  
12 party or an order of the court or family circuit court commissioner, except in the usual  
13 course of business, in order to secure necessities or in order to pay reasonable costs  
14 and expenses of the action, including attorney fees.

15 SECTION 108. 767.087 (1) (c) of the statutes is amended to read:

16 767.087 (1) (c) Unless the action is one under s. 767.02 (1) (g) or (h), without  
17 the consent of the other party or an order of the court or family circuit court  
18 commissioner, establishing a residence with a minor child of the parties outside the  
19 state or more- than 150 miles from the residence of the other party within the state,  
20 removing a minor child of the parties from the state for more than 90 consecutive  
21 days or concealing a minor child of the parties from the other party.

22 SECTION 109. 767.087 (2) of the statutes is amended to read:

23 767.087 (2) The prohibitions under sub. (1) shall apply until the action is  
24 dismissed, until a final judgment in the action is entered or until the court or family  
25 circuit court commissioner orders otherwise.

1           **SECTION 110.** 767.11 (1) (c) ✓ of the statutes is amended to read:  
2           767.11 (1) (c) A county or 'counties may designate a supervisor of the office of ~~the~~ family court  
3 commissioner as the director under par. (a) or (b). ↑ the

4           **SECTION 111.** 767.11 (5) (a) ✓ of the statutes is amended to read:

5           767.11 (5) (a) In any action affecting the family, including a revision of  
6 judgment or order under s. 767.32 or 767.325, in which it appears that legal custody  
7 or physical placement is contested, the court or ~~family circuit~~ court commissioner  
8 shall refer the parties to the director of family court counseling services for possible  
9 mediation of those contested issues. The court or the ~~family circuit~~ court  
10 commissioner shall inform the parties that the confidentiality of communications in  
11 mediation is waived if the parties stipulate under sub. (14) (c) that the person who  
12 provided mediation to the parties may also conduct the legal custody or physical  
13 placement study under sub. (14).

14           **SECTION 112.** 767.11 (5) (b) ✓ of the statutes is amended to read:

15           767.11 (5) (b) If both parties to any action affecting the family wish to have joint  
16 legal custody of a child, either party may request the court or ~~family circuit~~ court  
17 commissioner to refer the parties to the director of family court counseling services  
18 for assistance in resolving any problem relating to joint legal custody and physical  
19 placement of the child. Upon request, the court shall so refer the parties.

20           **SECTION 113.** 767.11 (6) ✓ of the statutes is amended to read:

21           767.11 (6) **ACTION UPON REFERRAL.** Whenever a court or ~~family circuit~~ court  
22 commissioner refers a party to the director of family court counseling services for  
23 possible mediation, the director shall assign a mediator to the case. The mediator  
24 shall provide mediation if he or she determines it is appropriate. If the mediator  
25 determines mediation is not appropriate, he or she shall so notify the court.

1 Whenever a court or family circuit court commissioner refers a party to the director  
2 of family court counseling services for any other family court counseling service, the  
3 director shall take appropriate action to provide the service.

4 SECTION 114. 767.1103) of the statutes is amended to read:

5 767.11 (13) ~~title~~ **POWERS OF COURT OR FAMILY CIRCUIT COURT COMMISSIONER.**

6 Except as provided in sub. (8), referring parties to mediation under this section does  
7 not affect the power of the court or family circuit court commissioner to make any  
8 necessary order relating to the parties during the course of the mediation.

9 SECTION 115. 767.115 (1) (a) of the statutes, ~~as affected by 1997 Wisconsin Act~~

10 ~~45~~ is amended to read:

11 767.115 (1) (a) At any time during the pendency of an action affecting the  
12 family in which a minor child is involved and in which the court or family circuit court  
13 commissioner determines that it is appropriate and in the best interest of the child,  
14 the court or family circuit court commissioner, on its own motion, may order the  
15 parties to attend a program specified by the court or family circuit court  
16 commissioner concerning the effects on a child of a dissolution of the marriage.

17 SECTION 116. 767.115 (1) (b) of the statutes, ~~as affected by 1997 Wisconsin Act~~

18 ~~45~~ is amended to read:

19 767.115 (1) (b) At any time during the pendency of an action to determine the  
20 paternity of a child, or an action affecting the family for which the underlying action  
21 was an action to determine the paternity of a child, if the court or family circuit court  
22 commissioner determines that it is appropriate and in the best interest of the child,  
23 the court or family circuit court commissioner, on its own motion, may order either  
24 or both of the parties to attend a program specified by the court or family circuit court  
25 commissioner providing training in parenting or coparenting skills, or both.



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SECTION 117. 767.115 (1m) of the statutes & affected by 1997 Wisconsin Act 17 is amended to read:

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767.115 (1m) A program under sub. (1) shall be educational rather than therapeutic in nature and may not exceed a total of 4 hours in length. The parties shall be responsible for the cost, if any, of attendance at the program. The court or family circuit court commissioner may specifically assign responsibility for payment of any cost. No facts or information obtained in the course of the program, and no report resulting from the program, is admissible in any action or proceeding.

9

SECTION 118. 767.115 (2) of the statutes is amended to read:

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767.115 (2) Notwithstanding s. 767.07, the court or family circuit court commissioner may require the parties to attend a program under sub. (1) as a condition to the granting of a final judgment or order in the action affecting the family that is pending before the court or family circuit court commissioner.

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SECTION 119. 767.125 of the statutes is amended to read:

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**767.125 Order for appearance of litigants.** Unless nonresidence in the state is shown by competent evidence, service is by publication, or the court shall for other good cause otherwise order, both parties in actions affecting the family shall be required to appear upon the trial. An order of the court or family circuit court commissioner to that effect shall accordingly be procured by the moving party, and shall be served upon the nonmoving party before the trial. In the case of a joint petition the order is not required.

22

SECTION 120. 767.13 (title) of the statutes is amended to read:

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~~767.13 (title) Family court commissioner; appointment; powers; oaths; assistants.~~

25

SECTION 121. 767.13 (1) of the statutes is amended to read:

insert  
component

(title), (1), (2), (3), (4) and (6) are repealed.

1 767.13 (1) COUNTIES OTHER THAN MILWAUKEE. (a) *Appointment.* In each county,  
2 except in a county having a population of 500,000 or more, the ~~circuit judges for the~~  
3 ~~county, subject to the approval of the~~ chief judge of the judicial administrative  
4 ~~district, shall, by order filed in the office of the clerk of the circuit court on or before~~  
5 ~~the first Monday of July of each year, appoint some reputable attorney of recognized~~  
6 ~~ability and standing at the bar a circuit court commissioner under SCR 75.02 to serve~~  
7 ~~as the in the position of family court commissioner for the county.~~

8 (b) *Powers; civil service; oath; temporary appointment; assistants.* The family  
9 ~~court commissioner, by virtue of the office and to the extent required for the~~  
10 ~~performance of the duties, has the powers of a court commissioner. The family court~~  
11 ~~commissioner is in addition to the maximum number of court commissioners~~  
12 ~~permitted by s. 757.68. The office of the position of family court commissioner, or of~~  
13 ~~any assistant circuit court commissioner assisting the family court commissioner,~~  
14 ~~may be placed under a county civil service system by resolution of the county board.~~  
15 ~~Before entering upon the discharge of the duties the family court commissioner shall~~  
16 ~~take and file the official oath. The person appointed shall continue to act until a~~  
17 ~~successor is appointed and qualified, except that in the event of disability or extended~~  
18 ~~absence the judges may appoint another reputable attorney to act as temporary~~  
19 ~~family court commissioner. The county board may provide that one or more assistant~~  
20 ~~family court commissioners shall be appointed by the circuit judges for the county,~~  
21 ~~subject to the approval of the chief judge of the judicial administrative district. An~~  
22 ~~assistant family court commissioner shall have the same qualifications as the~~  
23 ~~commissioner and shall take and file the official oath shall appoint one or more~~  
24 ~~circuit court commissioners to assist the family court commissioner.~~

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\*\*\*\*NOTE: Are the changes in this paragraph and the following subsection consistent with your request?

1 SECTION 122. 767.13 (2) of the statutes is amended to read:

2 767.13 (2) MILWAUKEE COUNTY. (a) **Appointment; assistants; civil service.** In  
3 counties having a population of 500,000 or more, there is ~~created~~ in the classified civil  
4 service the ~~office position~~ of family court commissioner and such additional ~~assistant~~  
5 ~~family circuit~~ court commissioners as the county board shall determine and  
6 authorize, ~~who all of whom~~ shall be circuit court commissioners appointed from the  
7 ~~membership of the bar residing in the county~~ by the chief judge of the judicial  
8 administrative district under ~~ss. 63.01 to 63.17~~ SCR 75.02 (1).

9 (b) (title) ~~Oath; powers; salary; Salary unavailability; duties.~~ Before entering  
10 upon the performance of their duties, ~~the family court commissioner and assistant~~  
11 ~~family court commissioners shall take and file the official oath.~~ The family court  
12 commissioner and ~~assistant family~~ any circuit court commissioners shall, by virtue  
13 of their respective positions and to the extent required for the performance of their  
14 duties, ~~each have the powers of a court commissioner. They assisting the family court~~  
15 commissioner shall receive such salary as may be fixed by the county board, shall  
16 perform their duties under the direction of the chief judge of the judicial  
17 administrative district or a designee and shall be furnished with quarters and  
18 necessary office furnishings and supplies. The county board shall provide them their  
19 necessary stenographic and investigational service. When the family court  
20 commissioner is unavailable, ~~any assistant family~~ commit court ~~commissioner~~ shall  
21 perform all the duties and have all the powers of the family court commissioner as  
22 directed by the commissioner or by the chief judge of the judicial administrative  
23 district or other judge as the chief judge may designate. In addition to the duties of

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~~the family court commissioner under this chapter, the family court commissioner shall perform other duties as the chief judge of the judicial administrative district, or other judge as the chief judge may designate, directs.~~

**SECTION 123.** 767.13 (4) of the statutes is amended to read:

767.13 (4) RETIRED JUDGES. In any county one or more retired or former judges or retired family circuit court commissioners may be appointed as temporary or temporary assistant family circuit court commissioners by a majority of the judges of the county subject to the approval of the chief judge of the judicial administrative district to assist the family court commissioner. The temporary or temporary assistant family circuit court commissioners shall be compensated by the county.

~~**SECTION 124.** 767.13 (5) (a) of the statutes is amended to read:~~

~~767.13 (5) (a) Divorce. On authority delegated by a judge, which may be by a standard order, and with the approval of the chief judge of the judicial administrative district, a family circuit court commissioner may preside at any hearing held to determine whether a judgment of divorce shall be granted, if both parties state that the marriage is irretrievably broken and that all material issues, including but not limited to division of property or estate, legal custody, physical placement, child support, spousal maintenance and family support, are resolved or if one party does not participate in the action for divorce. The family circuit court commissioner may grant and enter judgment in any action over which he or she presides under this paragraph unless the judgment modifies an agreement between the parties on material issues. If the family circuit court commissioner does not approve an agreement between the parties on material issues, the action shall be certified to the court for trial.~~

~~**SECTION 125.** 767.13 (5) (b) of the statutes is amended to read:~~

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~~767.13 (5) (b) Enforcement or revision; maintenance, custody, physical placement and visitation. On authority delegated by a judge, which may be by a standard order, a family circuit court commissioner may conduct hearings and enter judgments in actions for enforcement of, or revision of judgment for, maintenance, custody, physical placement or visitation.~~

renumbered 757.69(1)(p) 3. and

**SECTION 126.** 767.13 (5) (c) of the statutes is amended to read:

757.69(1)(p) 3. ✓

~~767.13 (5) (c) Establishment, enforcement or revision; paternity and support.~~

~~Except when otherwise ordered by a judge, a family circuit court commissioner may conduct hearings and enter orders and judgments in actions to establish paternity, in actions to establish or enforce a child support or a family circuit support obligation and in actions to revise orders or judgments for child support or family support.~~

**SECTION 127.** 767.13 (6) of the statutes is amended to read:

~~767.13 (6) REVIEW OF THE DECISIONS OF THE FAMILY CIRCUIT COURT COMMISSIONER.~~

~~Upon the motion of any party any decision of the family circuit court commissioner shall be reviewed by the judge of the branch of the court to which the case has been assigned. Upon the motion of any party any such review shall include a new hearing on the subject of the decision, order or ruling.~~

**SECTION 128.** 767.13 (7) of the statutes is amended to read:

757.69(1)(p) 4. ✓

~~767.13 (7) COOPERATION. Each family circuit court commissioner shall~~

~~cooperate with the county and the department to ensure that all dependent children receive reasonable and necessary child support.~~

**SECTION 129.** 767.15 (1) of the statutes, as affected by 1997 Wisconsin Act 27,

is amended to read:

767.15 (1) In any action affecting the family in which either party is a recipient

of benefits under ss. 49.141 to 49.161 or aid under s. 46.261, 49.19 or 49.45, each party

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1 shall, either within 20 days after making service on the opposite party of any motion  
2 or pleading requesting the court or ~~family circuit~~ court commissioner to order, or to  
3 modify a previous order, relating to child support, maintenance or family support, or  
4 before filing the motion or pleading in court, serve a copy of the motion or pleading  
5 upon the county child support agency under s. 59.53 (5) of the county in which the  
6 action is begun.

7 ~~SECTION 130. 767.16 of the statutes is repealed.~~

8 SECTION 131. 767.17 of the statutes is repealed.

9 SECTION 132. 767.23 (1) (intro.) of the statutes is amended to read:

10 767.23 (1) (intro.) Except as provided in ch. 822, in every action affecting the  
11 family, the court or ~~family circuit~~ court commissioner may, during the pendency  
12 thereof, make just and reasonable temporary orders concerning the following  
13 matters:

14 SECTION 133. 767.23 (1) (a) of the statutes is amended to read:

15 767.23 (1) (a) Upon request of one party, granting legal custody of the minor  
16 children to the parties jointly, to one party solely or to a relative or agency specified  
17 under s. 767.24 (3). The court or ~~family circuit~~ court commissioner may order joint  
18 legal custody without the agreement of the other party and without the findings  
19 required under s. 767.24(2) (b) 2. This order may not have a binding effect on a final  
20 custody determination.

21 SECTION 134. 767.23 (1) (am) of the statutes is amended to read:

22 767.23 (1) (am) Upon the request of a party, granting periods of physical  
23 placement to a party. The court or ~~family circuit~~ court commissioner shall make a  
24 determination under this paragraph within 30 days after the request for a temporary  
25 order regarding periods of physical placement is filed.

1           **SECTION 135.** 767.23 (1m) of the statutes is amended to read:

2           767.23 (1m) If a family circuit court commissioner believes that a temporary  
3           restraining order or injunction under s. 813.12 is appropriate in an action, the circuit  
4           court commissioner shall inform the parties of their right to seek the order or  
5           injunction and the procedure to follow. On a motion for such a restraining order or  
6           injunction, the family circuit court commissioner shall submit the motion to the court  
7           within 5 working days.

8           **SECTION 136.** 767.23 (1n) of the statutes is amended to read:

9           767.23 (1n) Before making any temporary order under sub. (1), the court or  
10          family circuit court commissioner shall consider those factors which the court is  
11          required by this chapter to consider before entering a final judgment on the same  
12          subject matter. If the court or family circuit court commissioner makes a temporary  
13          child support order that deviates from the amount of support that would be required  
14          by using the percentage standard established by the department under s. 49.22 (9),  
15          the court or family circuit court commissioner shall comply with the requirements  
16          of s. 767.25 (In). A temporary order under sub. (1) may be based upon the written  
17          stipulation of the parties, subject to the approval of the court or the family circuit  
18          court commissioner. Temporary orders made by the family circuit court  
19          commissioner may be reviewed by the court ~~as provided in s. 767.13 (6).~~

20          **SECTION 137.** 767.25 (4m) (f) 2. of the statutes, as affected by 1997 Wisconsin  
21          Act 191, is amended to read:

22          767.25 (4m) (f) 2. The notice provided to the parent shall inform the parent that  
23          coverage for the child under the new employer's health benefit plan will be in effect  
24          upon the employer's receipt of the notice. The notice shall inform the parent that he  
25          or she may, within 10 business days after receiving the notice, by motion request a

1 hearing before the court on the issue of whether the order to provide coverage of the  
 2 child's health care expenses should remain in effect. A motion under this subdivision  
 3 may be heard by a ~~family circuit court commissioner~~ requests a hearing  
 4 and the court or ~~family circuit~~ court commissioner determines that the order to  
 5 provide coverage of the child's health care expenses should not remain in effect, the  
 6 court shall provide notice to the employer that the order is no longer in effect.

7 **SECTION 138. 767.265** (1) of the statutes <sup>stat J</sup> ~~as affected by 1997 Wisconsin Act 191~~

8 is amended to read:

9 767.265 (1) Each order for child support under this chapter, for maintenance  
 10 payments under s. 767.23 or 767.26, for family support under this chapter, for costs  
 11 ordered under s. 767.51 (3) or 767.62 (4) (a), for support by a spouse under s. 767.02  
 12 (1) (f) or for maintenance payments under s. 767.02 (1) (g), each order for a revision  
 13 in a judgment or order with respect to child support, maintenance or family support  
 14 payments under s. 767.32, each stipulation approved by the court or the ~~family~~  
 15 circuit court commissioner for child support under this chapter and each order for  
 16 child or spousal support entered under s. 948.22 (7) constitutes an assignment of all  
 17 commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102 or  
 18 108, lottery prizes that are payable in instalments and other money due or to be due  
 19 in the future to the department or its designee. The assignment shall be for an  
 20 amount sufficient to ensure payment under the order or stipulation and to pay any  
 21 arrearages due at a periodic rate not to exceed 50% of the amount of support due  
 22 under the order or stipulation so long as the addition of the amount toward  
 23 arrearages does not leave the party at an income below the poverty line established  
 24 under 42 USC 9902 (2).



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SECTION 139. 767.265 (2h) of the statute ~~as affected by 1997 Wisconsin Act~~

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~~191~~ is amended to read:

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767.265 (2h) If a court-ordered assignment does not require immediately effective withholding and a payer fails to make a required maintenance, child support, spousal support or family support payment within 10 days after its due date, within 20 days after the payment's due date the court or ~~family circuit~~ court commissioner shall cause the assignment to go into effect by providing notice of the assignment in the manner provided under sub. (2r) and shall send a notice by regular mail to the last-known address of the payer. The notice sent to the payer shall inform the payer that an assignment is in effect and that the payer may, within a 10-day period, by motion request a hearing on the issue of whether the assignment should remain in effect. The court or ~~family circuit~~ court commissioner shall hold a hearing requested under this subsection within 10 working days after the date of the request. If at the hearing the payer establishes that the assignment is not proper because of a mistake of fact, the court or ~~family circuit~~ court commissioner may direct that the assignment be withdrawn. Either party may, within 15 working days after the date of a decision by a ~~family circuit~~ court commissioner under this subsection, seek review of the decision by the court with jurisdiction over the action. *stet*

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*stet* SECTION 140. 767.265 (2r) of the statute ~~as affected by 1997 Wisconsin Act~~

*section 414,*  
~~191~~ is amended to read:

767.265 (2r) Upon entry of each order for child support, maintenance, family support or support by a spouse and upon approval of each stipulation for child support, unless the court finds that income withholding is likely to cause the payer irreparable harm or unless s. 767.267 applies, the court, ~~family Circuit~~ court commissioner or county child support agency under s. 59.53 (5) shall provide notice

*[Handwritten signature]*

1 of the assignment by regular mail or by facsimile machine, as defined in s. 134.72 (1)  
2 (a), or other electronic means to the last-known address of the person from whom the  
3 payer receives or will receive money. The notice shall provide that the amount  
4 withheld may not exceed the maximum amount that is subject to garnishment under  
5 15 USC 1673 (b) (2). If the department or its designee, whichever is appropriate, does  
6 not receive the money from the person notified, the court, family circuit court  
7 commissioner or county child support agency under s. 59.53 (5) shall provide notice  
8 of the assignment to any other person from whom the payer receives or will receive  
9 money. Notice under this subsection may be a notice of the court, a copy of the  
10 executed assignment or a copy of that part of the court order directing payment. *stet*

11 **SECTION 141.** 767.267 (1) of the statutes, *as affected by 1997 Wisconsin Act 27,*

12 is amended to read:

13 767.267 (1) If the court or the family circuit court commissioner determines  
14 that income withholding under s. 767.265 is inapplicable, ineffective or insufficient  
15 to ensure payment under an order or stipulation specified in s. 767.265 (l), or that  
16 income withholding under s. 767.25 (4m) (c) or 767.51 (3m) (c) is inapplicable,  
17 ineffective or insufficient to ensure payment of a child's health care expenses,  
18 including payment of health insurance premiums, ordered under s. 767.25 (4m) or  
19 767.51 (3m), the court or family circuit court commissioner may require the payer to  
20 identify or establish a deposit account, owned in whole or in part by the payer, that  
21 allows for periodic transfers of funds and to file with the financial institution at  
22 which the account is located an authorization for transfer from the account to the  
23 department or its designee, whichever is appropriate. The authorization shall be  
24 provided on a standard form approved by the court and shall specify the frequency  
25 and the amount of transfer, sufficient to meet the payer's obligation under the order

1 or stipulation, as required by the court or family circuit court commissioner. e  
 2 authorization shall include the payer's consent for the financial institution or an  
 3 officer, employe or agent of the financial institution to disclose information to the  
 4 court, family circuit court commissioner, county child support agency under s. 59.53  
 5 (5), department or department's designee regarding the account for which the payer  
 6 has executed the authorization for transfer.

7 SECTION 142. 7jYZ.267 (5) of the statutes, ~~as affected by 1997 Wisconsin Act 27,~~ *stat*

8 is amended to read:

9 767.267 (5) A financial institution or an officer, employe or agent of a financial  
 10 institution may disclose information to the court, family circuit court commissioner,  
 11 county child support agency under s. 59.53 (5), department or department's designee  
 12 concerning an account for which a payer has executed an authorization for transfer  
 13 under sub. (1).

14 SECTION 143. 767.27 (2) of the statutes is amended to read:

15 767.27 (2) ~~Except~~ <sup>E</sup> as provided in sub. (2m), disclosure forms required under this  
 16 section shall be filed within 90 days after the service of summons or the filing of a  
 17 joint petition or at such other time as ordered by the court or family circuit court  
 18 commissioner. Information contained on such forms shall be updated on the record  
 19 to the date of hearing.

20 SECTION 144. 767.29(1) (c) of the statutes, ~~as affected by 1997 Wisconsin Act~~ *stat*

21 ~~27~~ is amended to read:

22 767.29 (1) (c) Except as provided in sub. (1m), the department or its designee  
 23 shall disburse the money received under the judgment or order in the manner  
 24 required by federal ~~regulations~~ and take receipts therefor, unless the department or  
 25 its designee is unable to disburse the moneys because they were paid by check or

1 other draft drawn upon an account containing insufficient funds. All moneys  
 2 received or disbursed under this section shall be entered in a record kept by the  
 3 department or its designee, whichever is appropriate, which shall be open to  
 4 inspection by the parties to the action, their attorneys and the family circuit court  
 5 commissioner.

6 SECTION 145. 767.29 (1) (d) (intro.) of the statutes, as ~~amended~~ <sup>created</sup> by 1997 ~~Wisconsin Act 27~~ <sup>stet</sup>

7 Wisconsin Act 27 is amended to read:

8 767.29 (1) (d) (intro.) For receiving and disbursing maintenance, child support  
 9 or family support payments, and for maintaining the records required under par. (c),  
 10 the department or its designee shall collect an annual fee of \$25 to be paid by each  
 11 party ordered to make payments. The court or family circuit court commissioner  
 12 shall order each party ordered to make payments to pay the annual fee under this  
 13 paragraph at the time of, and in addition to, the first payment to the department or  
 14 its designee in each year for which payments are ordered. All fees collected under  
 15 this paragraph shall be deposited in the appropriation account under s. 20.445 (3)  
 16 (ja). At the time of ordering the payment of an annual fee under this paragraph, the  
 17 court or family circuit court commissioner shall notify each party ordered to make  
 18 payments of the requirement to pay the annual fee and of the amount of the annual  
 19 fee. If the annual fee under this section is not paid when due, the department or its  
 20 designee may not deduct the annual fee from the maintenance or child or family  
 21 support payment, but may do any of the following:

22 SECTION 146. 767.29 (1) (d) 2. of the statutes, as ~~amended~~ <sup>created</sup> by 1997 Wisconsin Act ~~27~~ <sup>stet</sup>

23 27 is amended to read:

24 767.29 (1) (d) 2. Apply to the court or family circuit court commissioner for n  
 25 assignment relating to the annual fee in accordance with s. 767.265.