

1 *stet* SECTION 147. 767.29 (1) (e) of the statutes *stet* ~~as affected by 1997 Wisconsin Act~~

2 *274* is amended to read:

3 767.29 (1) (e) If the maintenance, child support or family support payments
4 adjudged or ordered to be paid are not paid to the department or its designee at the
5 time provided in the judgment or order, the county child support agency under s.
6 59.53 (5) or the ~~family~~ circuit court commissioner of the county shall take such
7 proceedings as he or she considers advisable to secure the payment of the sum
8 including enforcement by contempt proceedings under ch. 785 or by other means.
9 Copies of any order issued to compel the payment shall be mailed to counsel who
10 represented each party when the maintenance, child support or family support
11 payments were awarded. In case any fees of officers in any of the proceedings,
12 including the compensation of the ~~&m-i-&~~ circuit court commissioner at the rate of \$50
13 per day unless the commissioner is on a salaried basis, is not collected from the
14 person proceeded against, the fees shall be paid out of the county treasury upon the
15 order of the presiding judge and the certificate of the department.

16 SECTION 148. 767.29 (1m) (b) of the statutes is amended to read:

17 767.29 (1m) (b) The court or the family circuit court commissioner has ordered
18 that overpayments of child support, family support or maintenance that do not
19 exceed the amount of support or maintenance due in the next month may be held for
20 disbursement in the next month.

21 SECTION 149. 767.29 (3) (a) of the statutes ~~as affected by 1997 Wisconsin Act~~

22 ~~191~~ is amended to read:

23 767.29 (3) (a) If maintenance payments or support money, or both, is ordered
24 to be paid for the benefit of any person, who is committed by court order to an
25 institution or is in confinement, or whose legal custody is vested by court order under

1 ch. 48 or 938 in an agency, department or relative, the court or ~~family circuit~~ court
 2 commissioner may order such maintenance payments or support money to be paid
 3 to the relative or agency, institution, welfare department or other entity having the
 4 legal or actual custody of said person, and to be used for the latter's care and
 5 maintenance, without the appointment of a guardian under ch. 880.

6 SECTION 150. 767.29 (3) (b) of the statutes, ~~as affected by 1997 Wisconsin Act~~

7 ~~191~~ is amended to read:

8 767.29 (3) (b) If a child who is the beneficiary of support under a judgment or
 9 order is placed by court order in a child caring institution, juvenile correctional
 10 institution or state mental institution, the right of the child to support during the
 11 period of the child's confinement, including any right to unpaid support accruing
 12 during that period, is assigned to the state. If the judgment or order providing for
 13 the support of a child who is placed in a child caring institution, juvenile correctional
 14 institution or state mental institution includes support for one or more other
 15 children, the support that is assigned to the state shall be the proportionate share
 16 of the child placed in the institution, except as otherwise ordered by the court or
 17 ~~family circuit~~ court commissioner on the motion of a party.

18 SECTION 151. 767.293 (1) of the statutes, ~~as affected by 1997 Wisconsin Act 27~~
 19 is amended to read:

20 767.293 (1) If an order for child support under this chapter or s. 948.22 (7), an
 21 order for family support under this chapter or a stipulation approved by the court or
 22 the ~~family circuit~~ court commissioner for child support under this chapter requires
 23 a payer to pay child or family support in an amount that is expressed as a percentage
 24 of parental income, the payee, including the state or a county child support agency
 25 under s. 59.53 (5) if the state is a real party in interest under s. 767.075 (1), may

1 establish an arrearage by filing an affidavit in the action in which the order for the
2 payment of support was entered or the stipulation for support was approved. The
3 affidavit shall state the amount of the arrearage and the facts supporting a
4 reasonable basis on which the arrearage was determined and may state the payer's
5 current income and the facts supporting a reasonable basis on which the payer's
6 current income was determined. Not later than 60 days after filing the affidavit, the
7 payee shall serve the affidavit on the payer in the manner provided in s. 801.11 (1)
8 (a) or (b) or by sending the affidavit by registered or certified mail to the last-known
9 address of the payer. After the payee files a proof of service on the payer, the court
10 shall send a notice to the payer by regular, registered or certified mail to the payer's
11 last-known address. The notice shall provide that, unless the payer requests a
12 hearing to dispute the arrearage or the amount of the arrearage not later than 20
13 days after the date of the notice, the court or family circuit court commissioner may
14 enter an order against the payer in the amount stated in the affidavit and may
15 provide notice of assignment under s. 767.265. The notice shall include the mailing
16 address to which the request for hearing must be mailed or delivered in order to
17 schedule a hearing under sub. (2).

18 SECTION 152. 767.293 (2) of the statutes is amended to read:

19 767.293 (2) If the payer makes a timely request for a hearing, the court or
20 family circuit court commissioner shall hold a hearing on the issue of the amount of
21 the arrearage, if any. If the court or family circuit court commissioner determines
22 after hearing that an arrearage exists, the court or family/circuit court commissioner shall
23 enter an order establishing an arrearage in the amount determined by the court or
24 family circuit court commissioner and may send notice of assignment under s.
25 767.265.

1 **SECTION 153.** 767.293[✓] (3) of the statutes is amended to read:

2 767.293 (3) If the court or ~~family circuit~~ court commissioner sends the notice
3 under sub. (1) and the payer fails to make a timely request for a hearing, the court
4 or ~~family circuit~~ court commissioner, if the affidavit demonstrates to the satisfaction
5 of the court or ~~family circuit~~ court commissioner that an arrearage exists, shall enter
6 an order establishing an arrearage in the amount determined by the court or ~~family~~
7 ~~circuit~~ court commissioner and may send notice of assignment under s. 767.265. e
8 court or ~~family circuit~~ court commissioner shall send the order to the payer's
9 last-known address and shall inform the payer whether an assignment is in effect
10 and that the payer may, within a 10-day period, by motion request a hearing on the
11 issue of whether the order should be vacated or the assignment should be withdrawn.

12 **SECTION 154.** 767.32 (1) (a) of the statutes, ~~as affected by 1997 Wisconsin Acts~~
13 ~~27 and 105,~~ is amended to read:

14 767.32 (1) (a) After a judgment or order providing for child support under this
15 chapter or s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4.,
16 938.357 (5m), 938.363 (2) or 948.22 (7), maintenance payments under s. 767.26 or
17 family support payments under this chapter, or for the appointment of trustees
18 under s. 767.31, the court may, from time to time, on the petition, motion or order to
19 show cause of either of the parties, or upon the petition, motion or order to show cause
20 of the department, a county department under s. 46.215, 46.22 or 46.23 or a county
21 child support agency under s. 59.53 (5) if an assignment has been made under s.
22 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4) (h) or 49.45 (19) or if either party or
23 their minor children receive aid under s. 48.57 (3m) or (3n) or ch. 49, and upon notice
24 ^{office of the} to the ~~family circuit~~ court commissioner, revise and alter such judgment or order
25 ^{plain text} respecting the amount of such maintenance or child support and the payment

1 thereof, and also respecting the appropriation and payment of the principal and
2 income of the property so held in trust, and may make any judgment or order
3 respecting any of the matters that such court might have made in the original action,
4 except that a judgment or order that waives maintenance payments for either party
5 shall not thereafter be revised or altered in that respect nor shall the provisions of
6 a judgment or order with respect to final division of property be subject to revision
7 or modification. A revision, under this section, of a judgment or order with respect
8 to an amount of child or family support may be made only upon a finding of a
9 substantial change in circumstances. In any action under this section to revise a
10 judgment or order with respect to maintenance payments, a substantial change in
11 the cost of living by either party or as measured by the federal bureau of labor
12 statistics may be sufficient to justify a revision of judgment or order with respect to
13 the amount of maintenance, except that a change in an obligor's cost of living is not
14 in itself sufficient if payments are expressed as a percentage of income.

15 **SECTION 155.** 767.327 [✓](2) (c) of the statutes is amended to read:

16 767.327 **(2)** (c) Upon receipt of a copy of a notice of objection under par. (a), the
17 court or ~~family~~ circuit court commissioner shall promptly refer the parents for
18 mediation or other family court counseling services under s. 767.11 and may appoint
19 a guardian ad litem. Unless the parents agree to extend the time period, if mediation
20 or counseling services do not resolve the dispute within 30 days after referral, the
21 matter shall proceed under subs. (3) to (5).

22 **SECTION 156.** 767.33 [✓](2) of the statutes is amended to read:

23 767.33 (2) An adjustment under sub. (1) may be made only if the party receiving
24 payments applies to the ~~family~~ circuit court commissioner for the adjustment. e
25 order specifies the date on which the annual adjustment becomes effective, the

1 application to the family circuit court commissioner must be made at least 20 days
2 before the effective date of the adjustment. The family circuit court commissioner,
3 upon application by the party receiving payments, shall send a notice by certified
4 mail to the last-known address of the obligor. The notice shall be postmarked no
5 later than 10 days after the date on which the application was filed and shall inform
6 the obligor that an adjustment in payments will become effective on the date
7 specified in the order or, if no date is specified in the order, 10 days after the date on
8 which the notice is sent. The obligor may, after receipt of notice and before the
9 effective date of the adjustment, request a hearing on the issue of whether the
10 adjustment should take effect, in which case the adjustment shall be held in
11 abeyance pending the outcome of the hearing. The family circuit court commissioner
12 shall hold a hearing requested under this subsection within 10 working days after
13 the request. If at the hearing the obligor establishes that extraordinary
14 circumstances beyond his or her control prevent fulfillment of the adjusted child
15 support obligation, the family circuit court commissioner may direct that all or part
16 of the adjustment not take effect until the obligor is able to fulfill the adjusted
17 obligation. If at the hearing the obligor does not establish that extraordinary
18 circumstances beyond his or her control prevent fulfillment of the adjusted
19 obligation, the adjustment shall take effect as of the date it would have become
20 effective had no hearing been requested. Either party may, within 15 working days
21 of the date of the decision by the family circuit court commissioner under this
22 subsection, seek review of the decision by the court with jurisdiction over the action.

23 SECTION 157. 767.37 (1) (a) of the statutes, ~~as~~ affected by 1997 Wisconsin Act

24 ~~191~~ is amended to read:

1 767.37 (1) (a) In any action affecting the family, if the court orders maintenance
2 payments or other allowances for a party or children or retains jurisdiction in such
3 matters, the written judgment shall include a provision that disobedience of the
4 court order with respect to the same is punishable under ch. 785 by commitment to
5 the county jail or house of correction until such judgment is complied with and the
6 costs and expenses of the proceedings are paid or until the party committed is
7 otherwise discharged, according to law. The written judgment in any action affecting
8 the family shall include the social security numbers of the parties and of any child
9 of the parties. The findings of fact and conclusions of law and the written judgment
10 shall be drafted by the attorney for the moving party, and shall be submitted to the
11 court and filed with the clerk of the court within 30 days after judgment is granted;
12 but if the respondent has been represented by counsel, the findings, conclusions and
13 judgment shall first be submitted to respondent's counsel for approval and if the
14 family circuit court commissioner has appeared at the trial of the action, such papers
15 shall also be sent to the ~~family circuit~~ court commissioner for approval. n y
16 necessary approvals are obtained, the findings of fact, conclusions of law and
17 judgment shall be submitted to the court. Final stipulations of the parties may be
18 appended to the judgment and incorporated by reference therein.

19 **SECTION 158.** 767.37 (2) of the statutes is amended to read:

20 767.37 (2) So far as a judgment of divorce affects the marital status of the
21 parties the court has the power to vacate or modify the judgment for sufficient cause
22 shown, upon its own motion, or upon the application of both parties to the action, at
23 any time within 6 months from the granting of such judgment. No such judgment
24 shall be vacated or modified without service of notice of motion on the office of the ^{plain text} ~~family circuit~~
25 court commissioner. The court may direct the family circuit court commissioner or

1 appoint some other attorney, to bring appropriate proceedings for the vacation of the
2 judgment. The compensation of the ~~family~~ circuit court commissioner when not on
3 a salaried basis or other attorney for performing such services shall be at the rate of
4 \$50 per day, which shall be paid out of the county treasury upon order of the presiding
5 judge and the certificate of the clerk of the court. If the judgment is vacated it shall
6 restore the parties to the marital relation that existed before the granting of such
7 judgment. If after vacation of the judgment either of the parties brings an action in
8 this state for divorce against the other the court may order the petitioner in such
9 action to reimburse the county the amount paid by it to the ~~family~~ ^{circuit} court
10 commissioner or other attorney in connection with such vacation proceedings.
11 Whenever a judgment of divorce is set aside under this subsection, the court shall
12 order the record in the action impounded without regard to s. 767.19; and thereafter
13 neither the record nor any part of the record shall be offered or admitted into evidence
14 in any action or proceeding except by special order of the court of jurisdiction upon
15 good cause shown in any paternity proceedings under this chapter or by special order
16 of any court of record upon a showing of necessity to clear title to real estate.

17 **SECTION 159. 767.45 (5) (b) of the statutes is amended to read:**

18 767.45 (5) (b) An action under this section may be joined with any other action
19 for child support and shall be governed by the procedures specified in s. 767.05
20 relating to child support, except that the title of the action shall be "fn re the
21 paternity of A.B." The petition shall state the name and date of birth of the child if
22 born or that the mother is pregnant if the child is unborn, the name of any alleged
23 father, whether or not an action by any of the parties to determine the paternity of
24 the child or rebut the presumption of paternity to the child has at any time been
25 commenced, or is pending before any judge or circuit court commissioner, in this state

1 or elsewhere. If a paternity judgment has been rendered, or if a paternity action has
 2 been dismissed, the petition shall state the court which rendered the judgment or
 3 dismissed the action, and the date and the place the judgment was granted if known.
 4 The petition shall also give notice of a party's right to request a genetic test under
 5 s. 49.225 or 767.48.

6 -SECTION 160. 767.455 (5) of the statutes is amended to read:

7 767.455 (5) FORM. The summons shall be in substantially the following form:

8 STATE OF WISCONSIN, CIRCUIT COURT: . . . COUNTY

9
 10 In re the Paternity of A. B.

11 STATE OF WISCONSIN

12 and

13 C. D.

14 Address

15 City, State Zip Code

File No. . . .

16 , Petitioners

17 vs.

S U M M O N S

18 E. F.

19 Address

.... (Case Classification Type):

(Code

20 City, State Zip Code

21 , Respondent

22
 23 THE STATE OF WISCONSIN, To the Respondent:

1 You have been sued. claims that you are the father of the child, born on
2 (date), in (city) (county) (state). You must appear to answer this claim of
3 paternity. Your court appearance is:

4 Date:

5 Time:

6 Room:

7 Judge or ~~Family Circuit~~ Court Commissioner:

8 Address:

9 If you do not appear, the court will enter a default judgment finding you to be
10 the father. A default judgment will take effect 30 days after it is served on or mailed
11 to you, unless within those 30 days you present to the court evidence of good cause
12 for failure to appear. If you plan to be represented by an attorney, you should contact
13 the attorney prior to the court appearance listed above. If you are unable to afford
14 an attorney, the court will appoint one for you only upon the blood tests showing that
15 you are not excluded as the father and the probability of your being the father is less
16 than 99.0%. Appearance is not required if you complete the attached waiver of first
17 appearance statement and send it to the court at least 10 days prior to the date of
18 your scheduled appearance in this summons.

19 Dated: 19..

20 Signed:.....

21 G. H., Clerk of Circuit Court

22 or

23 Petitioner's Attorney

24 State Bar No.:.....

25 Address:

City, State Zip Code:
Phone No.:

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SECTION 161. 767.458 (1m) of the statutes is amended to read:

767.458 (1m) In an action to establish the paternity of a child who was born to a woman while she was married, where a man other than the woman's husband alleges that he, not the husband, is the child's father, a party may allege that a judicial determination that a man other than the husband is the father is not in the best interest of the child. If the court or a circuit or sunnlemental court commissioner under s. ~~757.69 (3)~~ 753.36 (2) (g) determines that a judicial determination of whether a man other than the husband is the father is not in the best interest of the child, no genetic tests may be ordered and the action shall be dismissed.

SECTION 162. 767.46 (1) of the statutes is amended to read:

767.46 (1) A pretrial hearing shall be held before the court or a circuit or sunnlemental court commissioner under s. ~~757.69 (3)~~ 753.36 (2) (g). A record or minutes of the proceeding shall be kept. At the pretrial hearing the parties may present and cross-examine witnesses, request genetic tests and present other evidence relevant to the determination of paternity.

SECTION 163. 767.463 of the statutes ~~was created by 1997 Wisconsin Act 191~~ is amended to read:

767.463 Dismissal if adjudication not in child's best interest. Except as provided in s. 767.458 (1m), at any time in an action to establish the paternity of a child, upon the motion of a party or guardian ad litem, the court or circuit or sunnlemental court commissioner under s. ~~757.69 (3)~~ 753.36 (2) (g) may, with respect to a man, refuse to order genetic tests, if genetic tests have not yet been taken, and dismiss the action if the court or circuit or sunnlemental court commissioner determines that a judicial

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1 determination of whether the man is the father of the child is not in the best interest
2 of the child.

3 **SECTION 164. 767.465 (2) (a)** of the statutes is amended to read:

4 ~~767.465 (2) (a) Except as provided in sub. (2m), if a respondent is the alleged~~
5 ~~father and fails to appear at the first appearance, unless the first appearance is not~~
6 ~~required under s. 767.457 (2), scheduled genetic test, pretrial hearing or trial, the~~
7 ~~court shall enter an order adjudicating the respondent to be the father and~~
8 ~~appropriate orders for support, legal custody and physical placement. The orders~~
9 ~~shall be either served on the respondent or mailed by regular, registered or certified~~
10 ~~mail, to the last-known address of the respondent. The orders shall take effect 30~~
11 ~~days after service or 30 days after the date on which the orders were mailed unless,~~
12 ~~within that time, the respondent presents to the court or a circuit or supplemental~~
13 ~~court commissioner under s. 757.69 (3) 753.36 (2) (g) evidence of good cause for~~
14 ~~failure to appear or failure to have undergone a genetic test.~~

15 **SECTION 165. 767.51 (3m) (f) 2.** of the statutes, as created by 1997 Wisconsin

16 ~~Act 194,~~ is amended to read:

17 **767.51 (3m) (f) 2.** The notice provided to the parent shall inform the parent that
18 coverage for the child under the new employer's health benefit plan will be in effect
19 upon the employer's receipt of the notice. The notice shall inform the parent that he
20 or she may, within 10 business days after receiving the notice, by motion request a
21 hearing before the court on the issue of whether the order to provide coverage of the
22 child's health care expenses should remain in effect. A motion under this subdivision
23 may be heard by a family circuit court commissioner. If the parent requests a hearing
24 and the court or family circuit court commissioner determines that the order to

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1 provide coverage of the child's health care expenses should not remain in effect, the
2 court shall provide notice to the employer that the order is no longer in effect.

3 SECTION 166. 767.62 (2) (b) of the statutes ^{created} as affected by 1997 Wisconsin Act
4 ~~191~~ is amended to read:

5 767.62 (2) (b) If a statement acknowledging paternity is timely rescinded as
6 provided in s. 69.15 (3m), a court or family circuit court commissioner may not enter
7 an order specified in sub. (4) with respect to the man who signed the statement as
8 the father of the child unless the man is adjudicated the child's father using the
9 procedures set forth in ss. 767.45 to 767.60.

10 SECTION 167. 767.62 (3) (b) of the statutes ^{created} as affected by 1997 Wisconsin Act
11 ~~191~~ is amended to read:

12 767.62 (3) (b) Except as provided in s. 767.045, in an action specified in par. (a)
13 the court or family circuit court commissioner may appoint a guardian ad litem for
14 the child and shall appoint a guardian ad litem for a party who is a minor, unless the
15 minor party is represented by an attorney.

16 SECTION 168. 767.62 (4) (a) of the statutes ^{created} as affected by 1997 Wisconsin Act
17 & is amended to read:

18 767.62 (4) (a) In an action under sub. (3) (a), if the persons who signed and filed
19 the statement acknowledging paternity as parents of the child had notice of the
20 hearing, the court or family circuit court commissioner may make an order that
21 contains any provision directed against the appropriate party to the proceeding
22 concerning the duty of support, the legal custody or guardianship of the child, periods
23 of physical placement, the furnishing of bond or other security for the payment of
24 amounts under the order or any other matter in the best interest of the child. Unless
25 the court orders otherwise, if there is no presumption of paternity under s. 891.41

1 (1) the mother shall have sole legal custody of the child. The court or family circuit
2 court commissioner shall order either party or both to pay for the support of any child
3 of the parties who is less than 18 years old, or any child of the parties who is less than
4 19 years old if the child is pursuing an accredited course of instruction leading to the
5 acquisition of a high school diploma or its equivalent. The order may direct the father
6 to pay or contribute to the reasonable expenses of the mother's pregnancy and
7 confinement during pregnancy and may direct either party to pay or contribute to
8 the costs of attorney fees or other costs.

9 SECTION 169. 767.62 (4) (b) 2. ^{regulated} of the statutes, ~~as affected by 1997 Wisconsin Act~~
10 ~~191~~, is amended to read:

11 767.62 (4) (b) 2. In addition to ordering child support for a child under par. (a),
12 the court or family circuit court commissioner shall specifically assign responsibility
13 for and direct the manner of payment of the child's health care expenses. In
14 assigning responsibility for a child's health care expenses, the court or family circuit
15 court commissioner shall consider whether a child is covered under a parent's health
16 insurance policy or plan at the time the court enters an order under this paragraph,
17 the availability of health insurance to each parent through an employer or other
18 organization, the extent of coverage available to a child and the costs to the parent
19 for the coverage of the child. A parent may be required to initiate or continue health
20 care insurance coverage for a child under this subdivision. If a parent is required to
21 do so, he or she shall provide copies of necessary program or policy identification to
22 the other parent and is liable for any health care costs for which he or she receives
23 direct payment from an insurer. This paragraph may not be construed to limit the
24 authority of the court or family circuit court commissioner to enter or modify support
25 orders containing provisions for payment of medical expenses, medical costs, or

Section 489,

1 insurance premiums that are in addition to and not inconsistent with this
2 paragraph.

③ *stat* SECTION 170. 767.62 (4) (b) 3. a. of the statutes, *as affected by 1997 Wisconsin*

④ *stat* Act 191 is amended to read:

5 767.62 (4) (b) 3. a. In directing the manner of payment of a child's health care
6 expenses, the court or family circuit court commissioner may order that payment,
7 including payment for health insurance premiums, be withheld from income and
8 sent to the appropriate health care insurer, provider or plan, as provided in s. 767.265
9 (3h), or sent to the department or its designee, whichever is appropriate, for
10 disbursement to the person for whom the payment has been awarded if that person
11 is not a health care insurer, provider or plan. If the court or family circuit court
12 commissioner orders income withholding and assignment for the payment of health
13 care expenses, the court or family circuit court commissioner shall send notice of
14 assignment in the manner provided under s. 767.265 (2r) and may include that notice
15 of assignment with a notice of assignment under s. 767.265. The department or its
16 designee, whichever is appropriate, shall keep a record of all moneys received and
17 disbursed by the department or its designee for health care expenses that are
18 directed to be paid to the department or its designee.

①9 SECTION 171. 767.62 (4) (b) 3. b. of the statutes, *as affected by 1997 Wisconsin*

②0 *stat* Act 191 is amended to read:

21 767.62 (4) (b) 3. b. If the court or family circuit court commissioner orders a
22 parent to initiate or continue health insurance coverage for a child under a health
23 insurance policy that is available to the parent through an employer or other
24 organization but the court or family circuit court commissioner does not specify the
25 manner in which payment of the health insurance premiums shall be made, the clerk

1 of court may provide notice of assignment in the manner provided under s. 767.265
2 (2r) for the withholding from income of the amount necessary to pay the health
3 insurance premiums. That notice of assignment may be sent with or included as part
4 of any other notice of assignment under s. 767.265, if appropriate. A person who
5 receives the notice of assignment shall send the withheld health insurance
6 premiums to the appropriate health care insurer, provider or plan, as provided in s.
7 767.265(3h).

(8) SECTION 172. 767.62 (4) (b) 4. (intro.) of the statutes, ^{created} as affected by 1997
(9) Wisconsin Act 191, is amended to read:

10 767.62 (4) (b) 4. (intro.) If the court or family circuit court commissioner orders
11 a parent to provide coverage of the health care expenses of the parent's child and the
12 parent is eligible for family coverage of health care expenses under a health benefit
13 plan that is provided by an employer on an insured or on a self-insured basis, the
14 employer shall do all of the following:

(15) SECTION 173. 767.62 (4) (b) 4. c. of the statutes, ^{created} as affected by 1997 Wisconsin
(16) Act 191, is amended to read:

17 767.62 (4) (b) 4. c. After the child has coverage under the employer's health
18 benefit plan, and as long as the parent is eligible for family coverage under the
19 employer's health benefit plan, continue to provide coverage for the child unless the
20 employer receives satisfactory written evidence that the order of the court or family
21 circuit court commissioner is no longer in effect or that the child has coverage of
22 health care expenses under another health insurance policy or health benefit plan
23 that provides comparable coverage of health care expenses.

(24) SECTION 174. 767.62 (4) (b) 5. a. of the statutes, ^{created} as affected by 1997 Wisconsin
(25) Act 191, is amended to read:

1 767.62 (4) (b) 5. a. If a parent who has been ordered by a court or family circuit
2 court commissioner to provide coverage of the health care expenses of a child who is
3 eligible for medical assistance under subch. IV of ch. 49 receives payment from a 3rd
4 party for the cost of services provided to the child but does not pay the health care
5 provider for the services or reimburse the department or any other person who paid
6 for the services on behalf of the child, the department may obtain a judgment against
7 the parent for the amount of the 3rd party payment.

8 SECTION 175. 767.62 (4) (b) 6. b. of the statutes, ^{repealed} ~~as affected by 1997 Wisconsin~~
9 ~~Act 191~~, is amended to read:

10 767.62 (4) (b) 6. b. The notice provided to the parent shall inform the parent
11 that coverage for the child under the new employer's health benefit plan will be in
12 effect upon the employer's receipt of the notice. The notice shall inform the parent
13 that he or she may, within 10 business days after receiving the notice, by motion
14 request a hearing before the court on the issue of whether the order to provide
15 coverage of the child's health care expenses should remain in effect. A motion under
16 this subd. 6. b. may be heard by a family circuit court ~~commissioner~~. r e n t
17 requests a hearing and the court or family circuit court commissioner determines
18 that the order to provide coverage of the child's health care expenses should not
19 remain in effect, the court shall provide notice to the employer that the order is no
20 longer in effect.

21 SECTION 176. 767.62 (4) (d) 1. of the statutes, ^{repealed} ~~as affected by 1997 Wisconsin Act~~
22 ~~491~~, is amended to read:

23 767.62 (4) (d) 1. Except as provided in par. (e), the court or family circuit court
24 commissioner shall determine child support payments under par. (a) by using the
25 percentage standard established by the department under s. 49.22 (9).

1 SECTION 177. 767.62 (4) (d) 2. of the statutes, ^{created} as affected by 1997 Wisconsin Act

2 ~~191~~, is amended to read:

3 767.62 (4) (d) 2. In determining child support payments under par. (a), the
4 court or family circuit court commissioner may consider all relevant financial
5 information or other information relevant to the parent's earning capacity, including
6 information reported under s. 49.22 (2m) to the department or the county child
7 support agency under s. 59.53 (5).

8 SECTION 178; 767.62 (4) (e) (intro.) of the statutes, ^{created} as affected by 1997

9 ~~Wisconsin Act 191~~, is amended to read:

10 767.62 (4) (e) (intro.) Upon request by a party, the court or family circuit court
11 commissioner may modify the amount of child support payments determined under
12 par. (d) if, after considering the following factors, the court or family circuit court
13 commissioner finds by the greater weight of the credible evidence that use of the
14 percentage standard is unfair to the child or to the requesting party:

15 SECTION 179. 767.62 (4) (e) 14. of the statutes, ^{created} as affected by 1997 Wisconsin

16 ~~Act 191~~, is amended to read:

17 767.62 (4) (e) 14. Any other factors that the court or family circuit court
18 commissioner in each case determines are relevant to the best interests of the child.

19 SECTION 180. 767.62 (4) (f) of the statutes, ^{created} as affected by 1997 Wisconsin Act

20 ~~191~~, is amended to read:

21 767.62 (4) (f) If the court or family circuit court commissioner finds under par.
22 (e) that use of the percentage standard is unfair to the child or the requesting party,
23 the court or family circuit court commissioner shall state in writing or on the record
24 the amount of support that would be required by using the percentage standard, the
25 amount by which the court's or family circuit court commissioner's order deviates

1 from that amount, the reasons for finding that use of the percentage standard is
2 unfair to the child or the party, the reasons for the amount of the modification and
3 the basis for the modification.

4 **SECTION 181.** 769.102[✓] of the statutes is amended to read:

5 **769.102 Tribunal of this state.** The courts and ~~circuit and supplemental~~
6 court commissioners are the tribunal of this state.

7 **SECTION 182.** 769.302[✓] of the statutes is amended to read:

8 **769.302 Action by minor parent.** A minor parent, or a guardian or other
9 legal representative of a minor parent, may maintain a proceeding on behalf of or for
10 the benefit of the minor's child. Notwithstanding s. 767.045 (1) or 803.01 (3), the
11 court may appoint a guardian ad litem for the minor's child, but the court need not
12 appoint a guardian ad litem for a minor parent who maintains such a proceeding
13 unless the proceeding is one for the determination of parentage, in which case the
14 court or a ~~family circuit~~ court commissioner shall appoint a guardian ad litem for a
15 minor parent within this state who maintains such a proceeding or for a minor within
16 this state who is alleged to be a parent, as provided in s. 767.475 (1).

17 **SECTION 183.** 782.01 (3)[✓] of the statutes is amended to read:

18 **782.01 (3)** In this chapter, unless the context requires otherwise, judge includes
19 the supreme court, the court of appeals and circuit courts and each justice and judge
20 thereof and ~~circuit and supplemental~~ court commissioners; and prisoner includes
21 every person restrained of personal liberty; and imprisoned includes every such
22 restraint, and respondent means the person on whom the writ is to be served.

23 **SECTION 184.** 782.03[✓] of the statutes is amended to read:

24 **782.03 Petition for writ.** Application for the writ shall be by petition, signed
25 either by the prisoner or by some person in his or her behalf, and may be made to the

1 supreme court, the court of appeals or the circuit court of the county, or to any justice
 2 or judge of the supreme court, court of appeals or circuit court or to any ~~circuit or~~
 3 ~~supplemental~~ court commissioner, within the county where the prisoner is detained;
 4 or if there is no judge within the county, or for any cause he or she is incapable of
 5 acting, or has refused to grant the writ, then to some judge residing in an adjoining
 6 county; but every application, made **by** or on behalf of a person sentenced to the state
 7 prisons, must contain a copy of any motion made under s. 974.06 and shall indicate
 8 the disposition of the motion and the court in which the disposition was made. If no
 9 motion was made, the petition shall so state.

10 **SECTION 185.** 782.28 of the statutes is amended to read:

11 782.28 (title) **Transfer from circuit or supdemental court**
 12 **commissioner.** If the writ is returnable before a ~~circuit or/supplemental~~ court
 13 commissioner, either party may make a request for transfer to the court in which the
 14 matter is filed. Upon receipt of such request the ~~circuit or/supplemental~~ court
 15 commissioner shall forthwith transmit all papers and **records in the proceedings to**
 16 the court.

17 **SECTION 186.** 799.05 (7) (intro.) of the statutes is amended to read:

18 799.05 (7) (title) **FORM; CIRCUIT COURT COMMISSIONER.** (intro.) Except as
 19 provided in s. 799.22 (4) (b) 3., in counties establishing at least one part-time or
 20 full-time court commissioner position under s. 757.68 (1) (b) in which a circuit court
 21 commissioner is authorized to assist in the administration of matters under this
 22 chapter, the summons shall be substantially in the following form:
 23

SECTION 187. 799.06 (1) of the statutes is amended to read:

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1 799.06 (1) PLEADINGS. All pleadings except the initial complaint may be oral.
2 Any circuit court may by rule require written pleadings and any judge or ~~judicial~~ ^{circuit}
3 court commissioner may require written pleadings in a particular case.

4 SECTION 188. 799.11 (3) of the statutes is amended to read:

5 799.11 (3) When, in any action under this chapter, it appears from the return
6 of service of the summons or otherwise that the county in which the action is pending
7 is not a proper place of trial and that another county would be a proper place of trial,
8 the court or circuit court commissioner shall, on motion of a party or its own motion,
9 transfer the action to that county unless the defendant appears and waives the
10 improper venue. The clerk of the court to which the action is transferred shall issue
11 a new notice of return date upon payment of the fee required by s. 814.61 (2) (a).

12 SECTION 189. 799.20 (4) of the statutes is amended to read:

13 799.20 (4) INQUIRY OF DEFENDANT WHO APPEARS ON RETURN DATE. If the defendant
14 appears on the return date of the summons or any adjourned date thereof, the court
15 or ~~court~~ ^{circuit} commissioner shall make sufficient inquiry of the defendant to determine
16 whether the defendant claims a defense to the action. If it appears to the court or
17 circuit court commissioner that the defendant claims a defense to the action, the
18 court or circuit court commissioner shall schedule a trial of all the issues involved in
19 the action, unless the parties stipulate otherwise or the action is subject to
20 immediate dismissal.

21 SECTION 190. 799.206 of the statutes is repealed.

22 SECTION 191. 799.207 (title) of the statutes is amended to read:

23 799.207 (title) **Proceedings before circuit court commissioner.**

24 SECTION 192. 799.207 (1) (a) of the statutes is amended to read:

1 799.207 (1) (a) Any circuit court commissioner assigned to assist in the
2 administration of small claims may hold a conference with the parties or their
3 attorneys or both on the return **date**, examine pleadings and identify issues.

4 **SECTION 193.** 799.207[✓](1) (b) of the statutes is amended to read:

5 799.207 (1) (b) Except as provided in par. (e), a decision shall be rendered by
6 the circuit court commissioner on the return date if there is time available for a
7 hearing, the parties do not intend to call witnesses, and the parties agree to such a
8 hearing. If for any of the reasons stated in this paragraph, the matter cannot be
9 heard on the return date, an adjourned date shall be set.

10 **SECTION 194.** 799.207 (1)[✓](e) of the statutes is amended to read:

11 799.207 (1) (e) If the circuit court commissioner cannot reach a decision on the
12 return or adjourned date, the commissioner shall mail the decision to each party
13 within 30 days of the date of the hearing.

14 **SECTION 195.** 799.207 (2)[✓](intro.) of the statutes is amended to read:

15 799.207 (2) (intro.) The circuit court commissioner's decision shall become a
16 judgment 11 days after rendering, if oral, and 16 days after mailing, if written, except
17 that:

18 **SECTION 196.** 799.207 (3)[✓](b) of the statutes is amended to read:

19 799.207 (3) (b) The circuit court commissioner shall give each of the parties a
20 form and instructions which shall be used for giving notice of an election to have the
21 matter heard by the court.

22 **SECTION 197.** 799.209 (1)[✓] to (4) of the statutes are amended to read:

23 799.209 (1) The court or circuit court commissioner shall conduct the
24 proceeding informally, allowing each party to present arguments and proofs and to

1 examine witnesses to the extent reasonably required for full and true disclosure of
2 the facts.

3 (2) The proceedings shall not be governed by the common law or statutory rules
4 of evidence except those relating to privileges under ch. 905 or to admissibility under
5 s. 901.05. The court or circuit court commissioner shall admit all other evidence
6 having reasonable probative value, but may exclude irrelevant or repetitious
7 evidence or arguments. An essential finding of fact may not be based solely on a
8 declarant's oral hearsay statement unless it would be admissible under the rules of
9 evidence.

10 (3) The court or circuit court commissioner may conduct questioning of the
11 witnesses and shall endeavor to ensure that the claims or defenses of all parties are
12 fairly presented to the court or circuit court commissioner.

13 (4) The court or circuit court commissioner shall establish the order of trial and
14 the procedure to be followed in the presentation of evidence and arguments in an
15 appropriate manner consistent with the ends of justice and the prompt resolution of
16 the dispute on its merits according to the substantive law.

17 **SECTION 198. 799.21 (3) (b)** of the statutes is amended to read:

18 **799.21 (3) (b)** I n c o u n t i e s)

19 ~~commissioner position under s. 757.68 (1) (b) in which circuit court commissioners~~
20 ~~are~~ ¹⁵ authorized to assist in the administration of matters under this chapter. except

21 in eviction actions which shall be governed by par. (a), demand for trial by jury shall
22 be made at the time a demand for trial is filed. If the party requesting a trial does
23 not request a jury trial, any other party may request a jury trial by filing the request
24 with the court and mailing copies to all other parties within 15 days from the date
25 of mailing of the demand for trial or the date on which personal notice of demand is

1 given, whichever is applicable. If no party demands a trial by jury, the right to trial
2 by jury is waived forever. The fees prescribed in ss. 814.61 (4) and 814.62 (3) (e) shall
3 be paid when the demand for a trial by jury is filed.

4 SECTION 199. 799.21 (4)[✓] of the statutes is amended to read:

5 799.21 (4) **JURY PROCEDURE.** If there is a demand for a trial by jury, the judge
6 or circuit court commissioner shall place the case on the trial calendar and a jury of
7 6 persons shall be chosen as provided in s. 345.43 (3) (b). The parties shall proceed
8 as if the action had originally been begun as a proceeding under chs. 801 to 807,
9 except that the court is not required to provide the jury with one complete set of
10 written instructions under s. 805.13 (4) and the requirements for appearance by the
11 parties shall be governed by s. 799.06 (2).

12 SECTION 200. 799.24 (1)[✓] of the statutes, ~~as affected by 1997 Wisconsin Act 27,~~
13 is amended to read:

14 799.24 (1) **ENTRY OF JUDGMENT OR ORDER; NOTICE OF ENTRY THEREOF.** When a
15 judgment or an order is rendered, the judge, circuit court commissioner or clerk of
16 circuit court shall immediately enter it in the court record and note the date thereof
17 which shall be the date of entry of judgment or order. The clerk of circuit court, except
18 in municipal and county forfeiture actions, shall mail a notice of entry of judgment
19 to the parties or their attorneys at their last-known address within 5 days of its
20 entry. Upon payment of the exact amount of the fee prescribed in s. 814.62 (3) (c),
21 the clerk of circuit court shall enter the judgment in the judgment and lien docket.

22 SECTION 201. 799.24 (3)[✓] of the statutes is amended to read:

23 799.24 (3) **STIPULATED DISMISSAL.** Prior to the entry of judgment, upon
24 stipulation of the parties to a schedule for compliance with the stipulation, the court
25 or circuit court commissioner may enter a stipulated judgment of dismissal in lieu

1 thereof. Any such judgment may be vacated without notice to the obligated party,
2 and the unsatisfied portion thereof entered, upon application by the prevailing party
3 and proof by affidavit of noncompliance with the terms of the stipulation.

4 SECTION 202. 799.26 (1) of the statutes is amended to read:

5 799.26 (1) When a judgment for money damages is entered under this chapter,
6 the court or circuit court commissioner shall order the judgment debtor to execute
7 under penalty of contempt a disclosure statement and to mail or deliver that
8 statement to the judgment creditor or to the clerk of circuit court in the county where
9 the judgment is entered within 15 days of entry of judgment unless the judgment is
10 sooner satisfied. The statement shall disclose, as of the date of judgment, the debtor's
11 name, residence address, employers and their addresses, any real property interests
12 owned by the debtor, cash on hand, financial institutions in which the judgment
13 debtor has funds on deposit, whether the debtor's earnings are totally exempt from
14 garnishment under s. 812.34 (2) (b), and such other information as required by the
15 schedules adopted under sub. (3).

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16 SECTION 203. 807.04 (1) of the statutes, ~~as affected by 1997 Wisconsin Act 138,~~
17 is amended to read:

18 807.04 (1) Except as provided under sub. (2), all trials, and all hearings at
19 which oral testimony is to be presented, shall be held in open court. The court may
20 make any order which a judge or a circuit court commissioner or supplemental
court commissioners shall have the powers provided in ch. 753 or by other statute.

20

22 SECTION 204. 807.09 (1) of the statutes is amended to read:

23 807.09 (1) A circuit judge of the circuit court of any county may appoint and
24 remove at any time, any retired or former circuit or county court judge to act, in
25 matters referred by the judge and in conciliation matters. When a matter for

1 conciliation is referred for such purpose, the conciliator shall have full authority to
2 hear, determine and report findings to the court. Such conciliators may be appointed
3 circuit court commissioners ~~as provided in s. 757.68~~ under SCR 75.02 (1).

4 **SECTION 205.** 812.30 (2)^v of the statutes is amended to read:

5 812.30 (2) "Court" includes a circuit court commissioner assigned to preside at
6 a proceeding under this subchapter.

7 **SECTION 206.** 813.12 (2) (a)^v of the statutes is amended to read:

8 813.12 (2) (a) No action under this section may be commenced by complaint and
9 summons. An action under this section may be commenced only by a petition
10 described under sub. (5) (a). The action commences with service of the petition upon
11 the respondent if a copy of the petition is filed before service or promptly after service.
12 If the judge or ~~family~~ circuit court commissioner extends the time for a hearing under
13 sub. (3) (c) and the petitioner files an affidavit with the court stating that personal
14 service by the sheriff or a private server under s. 801.11 (1) (a) or (b) was unsuccessful
15 because the respondent is avoiding service by concealment or otherwise, the
16 petitioner may serve the respondent by publication of the petition as a class 1 notice,
17 under ch. 985, and by mailing if the respondent's post-office address is known or can
18 with due diligence be ascertained. The mailing may be omitted if the post-office
19 address cannot be ascertained with due diligence.

20 **SECTION 207.** 813.12 (2) (b)^v of the statutes is amended to read:

21 813.12 (2) (b) A petition may be filed in conjunction with an action affecting the
22 family commenced under ch. 767, but commencement of an action affecting the
23 family or any other action is not necessary for the filing of a petition or the issuance
24 of a temporary restraining order or an injunction. A judge or ~~family~~ circuit court
25 commissioner may not make findings or issue orders under s. 767.23 or 767.24 while

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1 granting relief requested only under this section. Section 813.06 does not apply to
2 an action under this section. The respondent may respond to the petition either in
3 writing before or at the hearing on the issuance of the injunction or orally at that
4 hearing.

5 SECTION 208. 813.12 (3) (a) [✓] of the statutes is amended to read:

6 813.12 (3) (a) A judge or ~~family circuit~~ court commissioner shall issue a
7 temporary restraining order ordering the respondent to refrain from committing acts
8 of domestic abuse against the petitioner, to avoid the petitioner's residence, except
9 as provided in par. (am), or any premises **temporarily occupied by the petitioner or**
10 both, or to avoid contacting or causing any person other than a party's attorney to
11 contact the petitioner unless the petitioner consents in writing, or any combination
12 of these remedies requested in the petition, if all of the following occur:

13 1. The petitioner submits to the judge or ~~family circuit~~ court commissioner a
14 petition alleging the elements set forth under sub. (5) (a).

15 2. The judge or ~~family circuit~~ court commissioner finds reasonable grounds to
16 believe that the respondent has engaged in, or based on prior conduct of the
17 petitioner and the respondent may engage in, domestic abuse of the petitioner. In
18 determining whether to issue a temporary restraining order, the judge or ~~family~~
19 circuit court commissioner shall consider the potential danger posed to the petitioner
20 and the pattern of abusive conduct of the respondent but may not base his or her
21 decision solely on the length of time since the last domestic abuse or the length of time
22 since the relationship ended. The judge or ~~family circuit~~ court commissioner may
23 grant only the remedies requested or approved by the petitioner.

24 SECTION 209. 813.12 (3) (am) [✓] of the statutes is amended to read:

1 813.12 (3) (am) If the petitioner and the respondent are not married, the
2 respondent owns the premises where the petitioner resides and the petitioner has
3 no legal interest in the premises, in lieu of ordering the respondent to avoid the
4 petitioner's residence under par. (a) the judge or ~~family circuit~~ court commissioner
5 may order the respondent to avoid the premises for a reasonable time until the
6 petitioner relocates and shall order the respondent to avoid the new residence for the
7 duration of the order.

8 **SECTION 210.** 813.12 (3) (c) [✓] of the statutes is amended to read:

9 813.12 (3) (c) The temporary restraining order is in effect until a hearing is held
10 on issuance of an injunction under sub. (4). The temporary restraining order is not
11 voided if the respondent is admitted into a dwelling that the order directs him or her
12 to avoid. A judge or ~~family circuit~~ court commissioner shall hold a hearing on
13 issuance of an injunction within 7 days after the temporary restraining order is
14 issued, unless the time is extended upon the written consent of the parties or
15 extended once for 14 days upon a finding that the respondent has not been served
16 with a copy of the temporary restraining order although the petitioner has exercised
17 due diligence.

18 **SECTION 211.** 813.12 (3) (d) [✓] of the statutes is amended to read:

19 813.12 (3) (d) The judge or ~~circuit~~ court commissioner shall advise the
20 petitioner of the right to serve the respondent the petition by published notice if with
21 due diligence the respondent cannot be served as provided under s. 801.11 (1) (a) or
22 (b). The clerk of circuit court shall assist the petitioner with the preparation of the
23 notice and filing of the affidavit of printing.

24 **SECTION 212.** 813.12 (4) (a) (intro.) [✓] of the statutes is amended to read:

1 813.12 (4) (a) (intro.) A judge or ~~family circuit~~ court commissioner may grant
2 an injunction ordering the respondent to refrain from committing acts of domestic
3 abuse against the petitioner, to avoid the petitioner's residence, except as provided
4 in par. (am), or any premises temporarily occupied by the petitioner or both, or to
5 avoid contacting or causing any person other than a party's attorney to contact the
6 petitioner unless the petitioner consents to that contact in writing, or any
7 combination of these remedies requested in the petition, if all of the following occur:

8 SECTION 213. 813.12 (4) (a) 3. of the statutes is amended to read:

9 813.12 (4) (a) 3. After hearing, the judge or ~~family circuit~~ court commissioner
10 finds reasonable grounds to believe that the respondent has engaged in, or based
11 upon prior conduct of the petitioner and the respondent may engage in, domestic
12 abuse of the petitioner. In determining whether to issue an injunction, the judge or
13 ~~family circuit~~ court commissioner shall consider the potential danger posed to the
14 petitioner and the pattern of abusive conduct of the respondent but may not base his
15 or her decision solely on the length of time since the last domestic abuse or the length
16 of time since the relationship ended. The judge or ~~family circuit~~ court commissioner
17 may grant only the remedies requested by the petitioner.

18 SECTION 214. 813.12 (4) (am) of the statutes is amended to read:

19 813.12 (4) (am) If the petitioner and the respondent are not married, the
20 respondent owns the premises where the petitioner resides and the petitioner has
21 no legal interest in the premises, in lieu of ordering the respondent to avoid the
22 petitioner's residence under par. (a) the judge-or ~~family circuit~~ court commissioner
23 may order the respondent to avoid the premises for a reasonable time until the
24 petitioner relocates and shall order the respondent to avoid the new residence for the
25 duration of the order.

1 **SECTION 215.** 813.12 (4) (b) of the statutes is amended to read:

2 813.12 (4) (b) The judge or ~~family~~ circuit court commissioner may enter an
3 injunction only against the respondent named in the petition. No injunction may be
4 issued under this subsection under the same case number against the person
5 petitioning for the injunction. The judge or ~~family~~ circuit court commissioner may
6 not modify an order restraining the respondent based solely on the request of the
7 respondent.

8 **SECTION 216.** 813.12 (4m) (a) 2. of the statutes is amended to read:

9 813.12 (4m) (a) 2. Except as provided in par. (ag), require the respondent to
10 surrender any firearms that he or she owns or has in his or her possession to the
11 sheriff of the county in which the action under this section was commenced, to the
12 sheriff of the county in which the respondent resides or to another person designated
13 by the respondent and approved by the judge or ~~family~~ circuit court commissioner. The
14 judge or circuit court commissioner shall approve the person designated by the
15 respondent unless the judge or circuit court commissioner finds that the person is
16 inappropriate and places the reasons for the finding on the record. If a firearm is
17 surrendered to a person designated by the respondent and approved by the judge or
18 ~~family~~ circuit court commissioner, the judge or ~~family~~ circuit court commissioner
19 shall inform the person to whom the firearm is surrendered of the requirements and
20 penalties under s. 941.29 (4).

21 **SECTION 217.** 813.12 (4m) (b) (intro.) of the statutes is amended to read:

22 813.12 (4m) (b) (intro.) A firearm surrendered under par. (a) 2. may not be
23 returned to the respondent until a judge or ~~family~~ circuit court commissioner
24 determines all of the following:

25 **SECTION 218.** 813.12 (4m) (b) 2. of the statutes is amended to read:

1 813.12 (4m) (b) 2. That the person is not prohibited from possessing a firearm
2 under any state or federal law or by the order of any federal court or state court, other
3 than an order from which the judge or ~~family circuit~~ court commissioner is competent
4 to grant relief.

5 SECTION 219. 813.1275) (c) of the statutes is amended to read:

6 813.12 (5) (c) A judge or ~~family circuit~~ court commissioner shall accept any
7 legible petition for a temporary restraining order or injunction.

8 SECTION 220. 813.12 (6) (a) of the statutes is amended to read:

9 813.12 (6) (a) If an order is issued under this section, upon request by the
10 petitioner the court or ~~family circuit~~ court commissioner shall order the sheriff to
11 accompany the petitioner and assist in placing him or her in physical possession of
12 his or her residence or to otherwise assist in executing or serving the temporary
13 restraining order or injunction. The petitioner may, at the petitioner's expense, use
14 a private process server to serve papers on the respondent.

15 SECTION 221. 813.12 (7m) of the statutes is amended to read:

16 813.12 (7m) ^{TRANSSCRIPTS}. The judge or ~~family circuit~~ court commissioner shall
17 record the temporary restraining order or injunction hearing upon the request of the
18 petitioner.

19 SECTION 222. 813.122 (1) (e) of the statutes is created to read:

20 813.122 (1) (e) "Court commissioner*" means a circuit court commissioner.

21 SECTION 223. 813.123 (1) (cm) of the statutes is created to read:

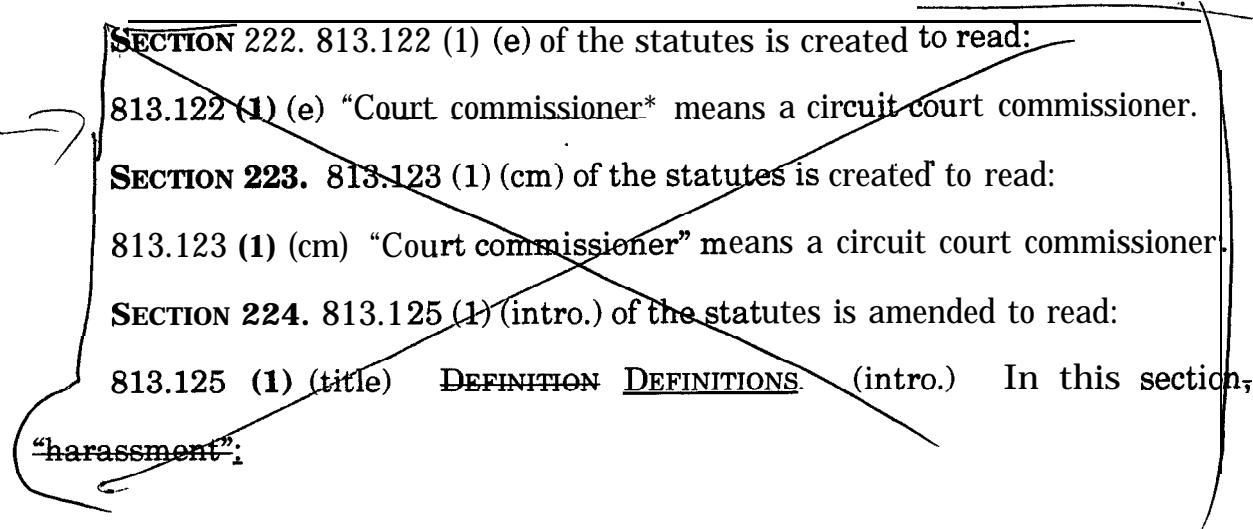
22 813.123 (1) (cm) "Court commissioner" means a circuit court commissioner.

23 SECTION 224. 813.125 (1) (intro.) of the statutes is amended to read:

24 813.125 (1) (title) ~~DEFINITION~~ DEFINITIONS (intro.) In this section,

25 "harassment";

do in text changes



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~~(a) "Harassment" means any of the following:
SECTION 225. 813.125 (1) (a) and (b) of the statutes are renumbered 813.125 (1) (a) 1. and 2.
SECTION 226. 813.125 (1) (bg) of the statutes is created to read:
813.125 (1) (bg) "Court commissioner" means a circuit court commissioner.~~

~~SECTION 227. 814.61 (12) (b) 3. of the statutes is amended to read:
814.61 (12) (b) 3. The clerk may apply to the court or circuit court commissioner for an assignment relating to the annual fee in accordance with s. 767.265 or for an account transfer relating to the annual fee in accordance with s. 767.267.~~

~~SECTION 228. 814.612 (2) of the statutes is amended to read:
814.612 (2) The support collection designee may apply to the court or circuit court commissioner for an assignment relating to the annual fee in accordance with s. 767.265.~~

SECTION 229. 814.615 (3) of the statutes is amended to read:
814.615 (3) The court or ~~family~~ circuit court commissioner shall direct either or both parties to pay any applicable fee under this section. If either or both parties are unable to pay, the court shall grant a separate judgment for the amount of the fees in favor of the county and against the party or parties responsible for the fees.

~~SECTION 230. 814.68 of the statutes is repealed and recreated to read:
814.68 Fees of supplemental court commissioners. Supplemental court commissioners shall collect reasonable fees or per diem compensation established by rule under s. 753.35.~~

SECTION 231. 816.03 (1) (b) of the statutes is amended to read:
816.03 (1) (b) A circuit or sunnlemental court commissioner upon application of a judgment creditor shall order any judgment debtor to appear before the court

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1 commissioner and answer concerning the judgment debtor's property at a time and
2 place specified in the order, within said county, in lieu of the procedure set forth in
3 par. (a).

4 **SECTION 232.** 816.035 (1) and (2) of the statutes are amended to read:

5 816.035 (1) An order under s. 816.03 (1) issued by a circuit or supplemental
6 court commissioner shall be served in the same manner as the service of a summons
7 under s. 801.11. The return on the order shall be made to the commissioner who
8 issued the order. The commissioner shall file the order and the return with the clerk
9 of the court in' which the judgment involved is entered.

10 (2) Upon issuance of the order, the ^{plain} ~~circuit or supplemental~~ court commissioner
11 shall collect the fee prescribed in ~~s. 814.68(2)~~ ^{for} attendance upon the examination.
~~for~~ ~~s. 814.68(2)~~ ^{plain} ~~for~~ ~~s. 814.68(2)~~ ^{for} ~~attendance upon the examination.~~ ^{753.25}

12 **SECTION 233.** 818.02 (6) of the statutes is amended to read:

13 818.02 (6) In a proceeding to determine paternity or to establish or revise a
14 child support or maintenance obligation, if the court or ~~family~~ circuit court
15 commissioner finds that the petitioner cannot effect service of process upon the
16 respondent despite due diligence on the part of the petitioner or after the respondent
17 is personally served but fails to appear on the return date, on the date set for the
18 pretrial hearing or on the date set for the trial.

19 **SECTION 234.** 879.61 of the statutes is amended to read:

20 **879.61 Discovery proceedings.** Any personal representative or any person
21 interested who suspects that any other person has concealed, stolen, conveyed or
22 disposed of property of the estate; or is indebted to the decedent; possesses, controls
23 or has knowledge of concealed property of the decedent; possesses, controls or has
24 knowledge of writings which contain evidence of or tend to disclose the right, title,
25 interest or claim of the decedent to any property; or possesses, controls or has

1 knowledge of any will of the decedent, may file a petition in the court so stating. The
2 court upon such notice as it directs, may order the other person to appear before the
3 court or a circuit or sunnlemental court commissioner for disclosure, may subpoena
4 witnesses and compel the production of evidence and may make any order in relation
5 to the matter as is just and proper.

6 SECTION 235. 885.10[✓] of the statutes is amended to read:

7 **885.10 Witness for indigent respondent or defendant.** Upon satisfactory
8 proof of the financial inability of the respondent or defendant to procure the
9 attendance of witnesses for 'his or her defense, the judge or or sunnlemental circuit/ court
10 commissioner, in any paternity proceeding or criminal action or proceeding, or in any
11 other case in which the **respondent** or defendant is represented by the state public
12 defender or by assigned counsel under s. 977.08, to be tried or heard before him or
13 her, may direct the witnesses to be subpoenaed as he or she determines is proper and
14 necessary, upon the respondent's or defendant's oath or affidavit or that of the
15 respondent's or defendant's attorney. Witnesses so subpoenaed shall be paid their
16 fees in the manner that witnesses for the state therein are paid. Determination of
17 indigency, in full or in part, under s. 977.07 is proof of the respondent's or defendant's
18 financial inability to procure the attendance of witnesses for his or her defense.

19 SECTION 236. 885.12[✓] of the statutes is amended to read:

20 **885.12 Coercing witnesses before officers and boards.** If any person,
21 without reasonable excuse, fails to attend as a witness, or to testify as lawfully
22 required before any arbitrator, coroner, medical examiner, board, commission,
23 commissioner, examiner, committee, or other officer or person authorized to take
24 testimony, or to produce a book or paper which the person was lawfully directed to
25 bring, or to subscribe the person's deposition when correctly reduced to writing, any

- or supplemental

1 judge of a court of record or ~~a circuit court~~ commissioner in the county where the
2 person was obliged to attend may, upon sworn proof of the facts, issue an attachment
3 for the person, and unless the person shall purge the contempt and go and testify or
4 do such other act as required by law, may commit the person to close confinement in
5 the county jail until the person shall so testify or do such act, or be discharged
6 according to law. The sheriff of the county shall execute the commitment.

7 SECTION 237. 887.26 (7) [✓] of the statutes is amended to read:

8 887.26 (7) FEES. The persons who take depositions and the witness shall be
9 entitled to the fees allowed supplemental court commissioners ^{de placid states} ~~(under 5) 814.68 (1)~~
10 ~~as established by rule under 253.35~~ and witnesses for similar service by the law of this state, or such as may be prescribed
11 by the law of the state or country where taken.

153.936(6)

12 SECTION 238. 898.02 [✓] of the statutes is amended to read:

13 **898.02 Notice to plaintiff.** The person shall cause notice to be given to the
14 plaintiff in the action, the plaintiffs agent or attorney, in writing, that at a time and
15 place specified in the notice the person will apply to the circuit judge or circuit [✓] court
16 commissioner of the county in which the person is so confined for the purpose of
17 obtaining a discharge from imprisonment.

18 SECTION 239. 898.04 [✓] of the statutes is amended to read:

19 **898.04 Prisoner to be examined.** At the time and place specified in the
20 notice the person shall be taken, under the custody of the jailer, the sheriff or the
21 sheriff's deputy, before the circuit judge or circuit ^{or supplemental} court commissioner, who shall
22 examine the prisoner on oath concerning his or her estate and effects and the
23 disposal thereof and the prisoner's ability to pay the judgment for which he or she
24 is committed; and who shall also hear any other legal and pertinent evidence that
25 may be produced by the debtor or the creditor.

*****NOTE: Should this section include supplemental court commissioners?*

1 SECTION 240. 898.11 of the statutes is amended to read:

2 **898.11 Inability to pay fees.** If the prisoner is unable to pay in whole or in
3 part the fees of the circuit ~~judge or circuit~~ court commissioner in the proceedings, the
4 proceedings shall continue without charge to the prisoner.

5 SECTION 241. 906.15 (1) of the statutes *as affected by 1997 Wisconsin Act 181,*
6 is amended to read:

7 906.15 (1) At the request of a party, the judge ~~or court commissioner~~ *circuit* shall order
8 witnesses excluded so that they cannot hear the testimony of other witnesses. The
9 judge ~~or court commissioner~~ *circuit* may also make the order of his or her own motion. *plain text*

10 SECTION 242. 906.15 (2) (d) of the statutes *as affected by 1997 Wisconsin Act*
11 ~~181,~~ is amended to read:

12 906.15 (2) (d) A victim, as defined in s. 950.02 (4), in a criminal case or a victim,
13 as defined in s. 938.02 (20m), in a delinquency proceeding under ch. 938, unless the
14 judge ~~or court commissioner~~ *circuit* finds that exclusion of the victim is necessary to provide
15 a fair trial for the defendant or a fair fact-finding hearing for the juvenile. The
16 presence of a victim during the testimony of other witnesses may not by itself be a
17 basis for a finding that exclusion of the victim is necessary to provide a fair trial for
18 the defendant or a fair fact-finding hearing for the juvenile.

19 SECTION 243. 906.15 (3) of the statutes *as affected by 1997 Wisconsin Act 181,*
20 is amended to read:

21 906.15 (3) The judge ~~or court commissioner~~ *circuit* may direct that all excluded and
22 non-excluded witnesses be kept separate until called and may prevent them from
23 communicating with one another until they have been examined or the hearing is
24 ended. *plain text*

1 SECTION 244. 911.01 (1) of the statutes is amended to read:

2 911.01 (1) COURTS AND COURT COMMISSIONERS. Chapters 901 to 911 apply to the
3 courts of the state of Wisconsin, including municipal courts, ~~family court~~
4 ~~commissioners~~, and court commissioners, in the proceedings. and to the extent
5 hereinafter set forth except as provided in s. 972.11. The word "judge" in chs. 901 to
6 911 means judge of a court of record, ^g municipal judge, ~~family~~ ^{or ~~or~~ supplemental} ~~circuit~~ court
7 commissioner, ~~and~~ ^{supplemental court commissioner} ~~or a~~ ^g municipal court commissioner.

***NOTE: Should this subsection include supplemental court commissioners?

*** Note: As drafted, this ~~sub~~ section includes circuit, supplemental and municipal court commissioners.

8 SECTION 245. 938.065 (title) of the statutes is amended to read:

9 938.065 (title) **Juvenile Circuit court commissioners in matters**
10 **affecting juveniles.**

11 SECTION 246. 938.065 (1) of the statutes is amended to read:

12 938.065 (1) The board of supervisors of any county may ~~authorize the chief~~
13 ~~judge of the judicial administrative district to appoint~~ establish one or more
14 part-time or full-time juvenile circuit court ~~commissioners who shall serve at the~~
15 ~~discretion of the chief judge.~~ A juvenile court commissioner shall be licensed to
16 ~~practice law in this state and shall have been so licensed for at least 2 years~~
17 ~~immediately prior to appointment and shall have a demonstrated interest in the~~
18 ~~welfare of juveniles~~ commissioner positions to assist in matters affecting juveniles.

19 The chief judge may assign law clerks, bailiffs and deputies to the ^{circuit} ~~juvenile~~ court
20 commissioner. ~~The chief judge shall supervise juvenile court commissioners, law~~
21 clerks, bailiffs and deputies, except that the chief judge may delegate any of those
22 duties.

23 SECTION 247. 938.065 (2) (intro.) of the statutes is amended to read:

1 938.065 (2) (intro.) Under this chapter a juvenile circuit court commissioner,
2 if authorized to do so by a judge, may do any of the following:

3 **SECTION 248.** 938.065 (3) (intro.) of the statutes is amended to read:

4 938.065 (3) (intro.) The juvenile circuit court commissioner may not do any of
5 the following:

6 , **SECTION 249.** 938.065 (4) of the statutes is amended to read:

7 938.065 (4) When acting officially, the juvenile circuit court commissioner shall
8 sit at the courthouse or the usual court facility for juvenile circuit delinquency
9 matters. Any decision of the juvenile circuit court commissioner shall be reviewed
10 by the judge upon the request of any interested party.

11 **SECTION 250.** 938.208 (4) of the statutes is amended to read:

12 938.208 (4) Probable cause exists to believe that the juvenile, having been
13 placed in nonsecure custody by an intake worker under s. 938.207 or by the judge or
14 juvenile circuit court commissioner under s. 938.21 (4), has run away or committed
15 a delinquent act and no other suitable alternative exists.

16 **SECTION 251.** 938.21 (1) of the statutes is amended to read:

17 ~~938.21 (1) HEARING, WHEN HELD. (a) If a juvenile who has been taken into
18 custody is not released under s. 938.20, a hearing to determine whether the juvenile
19 shall continue to be held in custody under the criteria of ss. 938.205 to 938.209 shall
20 be conducted by the judge or juvenile circuit court commissioner within-24 hours
21 after the end of the day that the decision to hold the juvenile was made, excluding
22 Saturdays, Sundays and legal holidays. By the time of the hearing a petition under
23 s. 938.25 shall be filed, except that no petition need be filed where a juvenile is taken
24 into custody under s. 938.19 (1) (b) or (d) 2., 6. or 7. or where the juvenile is a runaway
25 from another state, in which case a written statement of the reasons for holding a~~

1 juvenile in custody shall be substituted if the petition is not filed. If no hearing has
 2 been held within 24 hours or if no petition or statement has been filed at the time of
 3 the hearing, the juvenile shall be released except as provided in par. (b). A parent
 4 not present at the hearing shall be granted a rehearing upon request.

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5 ~~SEC # AM, 938.21 (C)(b)~~

6 (b) If no petition has been filed by the time of the hearing, a juvenile may be
 7 held in custody with the approval of the judge or juvenile circuit court commissioner

8 for an additional 48 hours from the time of the hearing only if, as a result of the facts
 9 brought forth at the hearing, the judge or juvenile circuit court commissioner
 10 determines that probable cause exists to believe that the juvenile is an imminent
 11 danger to himself or herself or to others, or that probable cause exists to believe that
 12 the parent, guardian or legal custodian of the juvenile or other responsible adult is
 13 neglecting, refusing, unable or unavailable to provide adequate supervision and
 14 care. The extension may be granted only once for any petition. In the event of failure
 15 to file a petition within the 48-hour extension period provided for in this paragraph,
 16 the judge or juvenile circuit court commissioner shall order the juvenile's immediate
 17 release from custody.

18 SECTION 252. 938.21 (2) (c) of the statutes is amended to read:

19 938.21 (2) (c) Prior to the commencement of the hearing, the juvenile shall be
 20 informed by the judge or juvenile circuit court commissioner of the allegations that
 21 have been or may be made, the nature and possible consequences of this hearing as
 22 compared to possible future hearings, the provisions of s. 938.18 if applicable, the
 23 right to counsel under s. 938.23 regardless of ability to pay if the juvenile is not yet
 24 represented by counsel, the right to remain silent, the fact that the silence may not
 25 be adversely considered by the judge or juvenile circuit court commissioner, the right
 to confront and cross-examine witnesses and the right to present witnesses.

1 **SECTION 253.** 938.21 (4) (intro.)[✓] of the statutes is amended to read:

2 **938.21 (4)** (intro.) If the judge or juvenile circuit court commissioner finds that
3 the juvenile should be continued in custody under the criteria of s. 938.205, he or she
4 shall enter one of the following orders:

5 **SECTION 254.** 938.21 (4m)[✓] of the statutes is amended to read:

6 **938.21 (4m) ELECTRONIC MONITORING.** The judge or juvenile circuit court
7 commissioner may include in an order under sub. (4) (a) or (b) a condition that the
8 juvenile be monitored by an electronic monitoring system.

9 **SECTION 255.** 938.21 (7)[✓] of the statutes is amended to read:

10 **938.21 (7) DEFERRED PROSECUTION.** If the judge or juvenile circuit court
11 commissioner determines that the best interests of the juvenile and the public are
12 served, he or she may enter a consent decree under s. 938.32 or order the petition
13 dismissed and refer the matter to the intake worker for deferred prosecution in
14 accordance with s. 938.245.

15 **SECTION 256.** 938.24 (5)[✓] of the statutes ~~as affected by 1997 Wisconsin Act 181,~~
16 is amended to read:

17 **938.24 (5)** The intake worker shall request that a petition be filed, enter into
18 a deferred prosecution agreement or close the case within 40 days or sooner of receipt
19 of referral information. Before entering into a deferred prosecution agreement, the
20 intake worker shall comply with s. 938.245 (1m), if applicable. If the case is closed
21 or a deferred prosecution agreement is entered into, the district attorney, corporation
22 counsel or other official under s. 938.09 shall receive written notice of such action.
23 If the case is closed, the known victims of the juvenile's alleged act shall receive notice
24 as provided under sub. (5m), if applicable. In addition, if a deferred prosecution
25 agreement is entered into placing a juvenile in a youth village program as described

1 in s. 118.42, the judge or juvenile circuit court commissioner shall receive written
2 notice of such action and, on receipt of that notice, shall enter an order requiring
3 compliance with that agreement. A notice of deferred prosecution of an alleged
4 delinquency case shall include a summary of the facts surrounding the allegation
5 and a list of prior intake referrals and dispositions. If a law enforcement officer has
6 made a recommendation concerning the juvenile, the intake worker shall forward
7 this recommendation to the district attorney under s. 938.09. Notwithstanding the
8 requirements of this section, the district attorney may initiate a delinquency petition
9 under s. 938.25 within 20 days after notice that the case has been closed or that a
10 deferred prosecution agreement has been entered into. The judge shall grant
11 appropriate relief as provided in s. 938.315 (3) with respect to any such petition
12 which is not referred or filed within the time limits specified within this subsection.
13 Failure to object if a petition is not referred or filed within a time limit specified in
14 this subsection waives that time limit.

15 SECTION 257. 938.245 (3) of the statutes is amended to read:

16 938.245 (3) The obligations imposed under a deferred prosecution agreement
17 and its effective date shall be set forth in writing. If the deferred prosecution
18 agreement places the juvenile in a youth village program under sub. (2) (a) 9., the
19 judge or juvenile circuit court commissioner shall receive written notice that a
20 deferred prosecution agreement has been entered into and, on receipt of that notice,
21 shall enter an order requiring compliance with that agreement. The juvenile and a
22 parent, guardian and legal custodian shall receive a copy of the agreement and order,
23 as shall any agency providing services under the agreement.

24 SECTION 258. 938.30 (9) of the statutes% amended to read:

1 938.30 (9) If a circuit court commissioner conducts the plea hearing and accepts
2 an admission of the alleged facts in a petition brought under s. 938.12 or 938.13, the
3 judge shall review the admission at the beginning of the dispositional hearing by
4 addressing the parties and making the inquires set forth in sub. (8).

5 **SECTION 259.** 938.32 (1) (a) of the statutes is amended to read:

6 ~~938.32 (1) (a) At any time after the filing of a petition for a proceeding relating:
7 to s. 938.12 or 938.13 and before the entry of judgment, the judge or juvenile circuit
8 court commissioner may suspend the proceedings and place the juvenile under
9 supervision in the juvenile's own home or present placement or in a youth village
10 program as described in s. 118.42. The court may establish terms and conditions
11 applicable to the parent, guardian or legal custodian, and to the juvenile, including
12 any of the conditions specified in subs. (1d), (1g), (1m), (1t) and (Xx). The order under
13 this section shall be known as a consent decree and must be agreed to by the juvenile;
14 the parent, guardian or legal custodian; and the person filing the petition under s.
15 938.25. If the consent decree includes any conditions specified in sub. (1g), the
16 consent decree shall include provisions for payment of the services as specified in s.
17 938.361. The consent decree shall be reduced to writing and given to the parties.~~

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18 **SECTION 260.** 938.32 (1d) of the statutes is amended to read:

19 938.32 (1d) If the petition alleges that the juvenile has committed an act that
20 would constitute a misdemeanor if committed by an adult, if the chief judge of the
24 judicial administrative district has approved under s. 973.11 (2) a volunteers in
22 probation program established in the juvenile's county of residence and if the judge
23 or juvenile circuit court commissioner determines that volunteer supervision under
24 that volunteers in probation program will likely benefit the juvenile and the
25 community, the judge or juvenile circuit court commissioner may establish as a

1 condition under sub. (1) that the juvenile be placed with that volunteers in probation
2 program under such conditions as the judge or ~~juvenile circuit~~ court commissioner
3 determines are reasonable and appropriate. These conditions may include, but need
4 not be limited to, any of the following:

5 (a) A directive to a volunteer to provide for the juvenile a role model, informal
6 counseling, general monitoring and monitoring of the conditions established by the
7 judge or ~~juvenile circuit~~ court commissioner, or any combination of these functions.

8 (b) Any other conditions that the judge or ~~juvenile circuit~~ court commissioner
9 may establish under this section.

10 **SECTION 261.** 938.32 (lg) (intro.)[✓] of the statutes is amended to read:

11 938.32 (lg) (intro.) If the petition alleges that the juvenile committed a
12 violation specified under ch. 961 and if the multidisciplinary screen conducted under
13 s. 938.24 (2) shows that the juvenile is at risk of having needs and problems related
14 to the use of alcohol beverages, controlled substances or controlled substance analogs
15 and its medical, personal, family and social effects, the judge or ~~juvenile circuit~~ court
16 commissioner may establish as a condition under sub. (1) any of the following:

17 **SECTION 262.** 938.32 (lm) (intro.)[✓] and (a) of the statutes are amended to read:

18 938.32 (lm) The judge or ~~juvenile circuit~~ court commissioner may establish as
19 a condition under sub. (1) that the juvenile be placed in a teen court program if all
20 of the following conditions apply:

21 (a) The chief judge of the judicial administrative district has approved a teen
22 court program established in the juvenile's county of residence and the judge or
23 ~~juvenile circuit~~ court commissioner determines that participation in the teen court
24 program will likely benefit the juvenile and the community.

1 **SECTION 263.** 938.32 (1t) (a) 1. of the statutes, as affected by 1997 Wisconsin
2 Acts 183 and 205, is amended to read:

3 938.32 (1t) (a) 1. Subject to subd. 3., if the petition alleges that the juvenile
4 committed a delinquent act that has resulted in damage to the property of another,
5 or in actual physical injury to another excluding pain and suffering, the judge or
6 juvenile circuit court commissioner may require the juvenile as a condition of the
7 consent decree, to repair the damage to property or to make reasonable restitution
8 for the damage or injury, either in the form of cash payments or, if the victim agrees,
9 the performance of services for the victim, or both, if the judge or juvenile circuit court
10 commissioner, after taking into consideration the well-being and needs of the victim,
11 considers it beneficial to the well-being and behavior of the juvenile. Any consent
12 decree that includes a condition of restitution by a juvenile shall include a finding
13 that the juvenile alone is financially able to pay or physically able to perform the
14 services, may allow up to the date of the expiration of the consent decree for the
15 payment or for the completion of the services and may include a schedule for the
16 performance and completion of the services. Objection by the juvenile to the amount
17 of damages claimed shall entitle the juvenile to a hearing on the question of damages
18 before the amount of restitution is made part of the consent decree.

19 **SECTION 264.** 938.32 (1t) (a) 1m. of the statutes, as affected by 1997 Wisconsin
20 Act 205, is amended to read:

21 938.32 (1t) (a) 1m. If the petition alleges that the juvenile has committed a
22 delinquent act that has resulted in damage to the property of another, or in actual
23 physical injury to another excluding pain and suffering, the judge or juvenile circuit
24 court commissioner may require a parent who has custody, as defined in s. 895.035
25 (l), of the juvenile, as a condition of the consent decree, to make reasonable

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1 restitution for the damage or injury. Except for recovery for retail theft under s.
 2 943.51, the maximum amount of any restitution ordered under this subdivision for
 3 damage or injury resulting from any one act of a juvenile or from the same act
 4 committed by 2 or more juveniles in the custody of the same parent may not exceed
 5 the amount specified in s. 799.01 (1) (d). Any consent decree that includes a condition
 6 of restitution by a parent who has custody of the juvenile shall include a finding that
 7 the parent who has custody of the juvenile is financially able to pay the amount
 8 ordered and may allow up to the date of the expiration of the consent decree for the
 9 payment. Objection by the parent to the amount of damages claimed shall entitle the
 10 parent to a hearing on the question of damages before the amount of restitution is
 11 made part of the consent decree. Any recovery under this subdivision shall be
 12 reduced by the amount recovered as restitution for the same act under subd. 1.

13 SECTION 265. 938.32 (1t) (a) 3. of the statutes, as affected by ~~1997 Wisconsin~~
 14 ~~Act 183~~, is amended to read:

15 938.32 (1t) (a) 3. Under this paragraph, a judge or juvenile circuit court
 16 commissioner may not order a juvenile who is under 14 years of age to make more
 17 than \$250 in restitution or to perform more than 40 total hours of services for the
 18 victim as restitution.

19 SECTION 266. 938.32 (lx) of the statutes is amended to read:

20 938.32 (lx) If the petition alleges that the juvenile violated s. 943.017 and the
 21 juvenile has attained the minimum age at which a juvenile may be adjudicated
 22 delinquent, the judge or juvenile circuit court commissioner may require, as a
 23 condition of the consent decree, that the juvenile participate for not less than 10
 24 hours nor more than 100 hours in a supervised work program under s. 938.34 (5g)
 25 or perform not less than 10 hours nor more than 100 hours of other community

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1 service work, except that if the juvenile has not attained 14 years of age the
2 maximum number of hours is 40.

3 SECTION 267. 938.32 (2) (a) of the statutes is amended to read:

4 938.32 (2) (a) A consent decree shall remain in effect for up to one year unless
5 the juvenile, parent, guardian or legal custodian is discharged sooner by the judge
6 or juvenile circuit court commissioner.

7 SECTION 268. 938.32 (6) of the statutes is amended to read:

8 938.32 (6) The judge or juvenile circuit court commissioner shall inform the
9 juvenile and the juvenile's parent, guardian or legal custodian, in writing, of the
10 juvenile's right to object to the continuation of the consent decree under sub. (3) and
11 of the fact that the hearing under which the juvenile was placed on supervision may
12 be continued to conclusion as if the consent decree had never been entered.

13 SECTION 269. 940.203 (1) (b) of the statutes is amended to read:

14 940.203 (1) (b) "Judge" means a supreme court justice, court of appeals judge,
15 circuit court judge, municipal judge, temporary or permanent reserve judge or
16 ~~juvenile, probate, family or other~~ circuit, sunolemental or municipal court
17 commissioner.

18 SECTION 270. 943.013 (1) (b) of the statutes is amended to read:

19 943.013 (1) (b) "Judge" means a supreme court justice, court of appeals judge,
20 circuit court judge, municipal judge, temporary or permanent reserve judge or
21 ~~juvenile, probate, family or other~~ circuit, supplemental or municipal court
2 2 commissioner.

23 SECTION 271. 967.07 of the statutes is amended to read:

Circuit

1 **967.07 ~~Court~~ Judicial court commissioners.** A circuit court commissioner
2 may exercise powers or perform duties specified for a judge if such action is permitted
3 under s. 757.69.

4 SECTION 272. 971.20 (3) (a) of the statutes is amended to read:

5 971.20 (3) (a) In this subsection, "judge" includes a circuit court commissioner
6 who is assigned to conduct the preliminary examination.

7 SECTION 273. 973.20 (13) (c) 4. of the statutes is amended to read:

8 973.20 (13) (c) 4. Refer the disputed restitution issues to a circuit court
9 commissioner or other appropriate referee, who shall conduct a hearing on the
10 matter and submit the record thereof, together with proposed findings of fact and
11 conclusions of law, to the court within 60 days of the date of referral. Within 30 days
12 after the referee's report is filed, the court shall determine the amount of restitution
13 on the basis of the record submitted by the referee and incorporate it into the
14 sentence or probation order imposed. The judge may direct that hearings under this
15 subdivision be recorded either by audio recorder or by a court reporter. A transcript
16 is not required unless ordered by the judge.

17 SECTION 274. 977.05 (6) (b) 2. of the statutes is amended to read:

18 977.05 (6) (b) 2. The judge or family circuit court commissioner before whom
19 the proceedings shall be held certifies to the state public defender that the person will
20 not be incarcerated if he or she is found in contempt of court.

21 SECTION 275. 979.05 (1) of the statutes is amended to read:

22 979.05 (1) An inquest shall be conducted by a circuit judge or a circuit court
23 commissioner.

24 **SECTION 276.** 979.05 (2) of the statutes, ~~as affected by 1996 Supreme Court~~
25 ~~Order 96-08,~~ is repealed and recreated to read:

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1 979.05 (2) The inquest shall be conducted before a jury unless the district
2 attorney, coroner or medical examiner requests that the inquest be conducted before
3 the judge or circuit court commissioner only. If the inquest is to be conducted before
4 a jury, a sufficient number of names of prospective jurors shall be selected from the
5 prospective juror list for the county in which the inquest is to be held by the clerk of
6 circuit court in the manner provided in s. 756.06. The judge or circuit court
7 commissioner conducting the inquest shall summon the prospective jurors to appear
8 before the judge or circuit court commissioner at the time fixed in the summons. The
9 summons may be served by mail, or by personal service if the judge, circuit court
10 commissioner or district attorney determines personal service to be appropriate. The
11 summons shall be in the form used to summon petit jurors in the circuit courts of the
12 county. Any person who fails to appear when summoned as an inquest juror is
13 subject to a forfeiture of not more than \$40. The inquest jury shall consist of 6 jurors.
14 If 6 jurors do not remain from the number originally summoned after establishment
15 of qualifications, the judge or circuit court commissioner conducting the inquest may
16 require the clerk of the circuit court to select sufficient additional jurors' names.
17 Those persons shall be summoned forthwith by the sheriff of the county.

18 **SECTION 277.** 979.05 (3) of the statutes ~~as affected by 1996 Supreme Court~~
19 ~~Order 96-08~~ is repealed and recreated to read:

20 979.05 (3) The judge or circuit court commissioner shall examine on oath or
21 affirmation each person who is called as a juror to discover whether the juror is
22 related by blood or marriage to the decedent, any member of the decedent's family,
23 the district attorney, any other attorney appearing in the case, any members of the
24 office of the district attorney or any other attorney appearing in the case or has
25 expressed or formed any opinion regarding the matters being inquired into or is

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1 aware of or has any bias or prejudice concerning the matters being inquired into in
 2 the inquest. If any prospective juror is found to be not indifferent or is found to have
 3 formed an opinion which cannot be laid aside, that juror shall be excused. The judge
 4 or circuit court commissioner may select one or more alternate jurors if the inquest
 5 is likely to be protracted. This subsection does not limit the right of the district
 6 attorney to supplement the judge's or circuit court commissioner's examination of
 7 any prospective jurors as to qualifications.

8 SECTION 278. 979.05 (4) of the statutes is amended to read:

9 979.05 (4) When 6 jurors have been selected, the judge or circuit court
 10 commissioner shall administer to them an oath or affirmation which shall be
 11 substantially in the following form:

12 You do solemnly swear (affirm) that you will diligently inquire and determine
 13 on behalf of this state when, and in what manner and by what means, the person
 14 known as who is now dead came to his or her death and that you will return
 15 a true verdict thereon according to your knowledge, according to the evidence
 16 presented and according to the instructions given to you by the (judge) (circuit
 17 court commissioner).

18 SECTION 279. 979.05 (5) of the statutes is amended to read:

19 979.05 (5) Prior to the submission of evidence to the jury, the judge or circuit
 20 court commissioner may instruct the jury on its duties and on the substantive law
 21 regarding the issues which may be inquired into before the jury. The district attorney
 22 may, at any time during the course of the inquest, make statements to the jury
 23 relating to procedural or evidentiary matters he or she and the judge or circuit court
 24 commissioner deem appropriate. Section 972.12 applies to the conduct of the inquest
 25 jury.

1 **SECTION 280.** 979.05 (6) of the statutes is amended to read:

2 979.05 (6) The judge or circuit court commissioner conducting the inquest may
3 order that proceedings be secret if the district attorney so requests or concurs.

4 **SECTION 281.** 979.06 (1) of the statutes is amended to read:

5 979.06 (1) The judge or circuit court commissioner may issue subpoenas for
6 witnesses at the request of the coroner or medical examiner and shall issue
7 subpoenas for witnesses requested by the district attorney. Subpoenas are
8 returnable at the time and place stated therein. Persons who are served with a
9 subpoena may be compelled to attend proceedings in the manner provided in s.
10 885.12.

11 **SECTION 282.** 979.06 (2) of the statutes is amended to read:

12 979.06 (2) The judge or circuit court commissioner conducting the inquest and
13 the district attorney may require by subpoena the attendance of one or more expert
14 witnesses, including physicians, surgeons and pathologists, for the purposes of
15 conducting an examination of the body and all relevant and material scientific and
16 medical tests connected with the examination and testifying as to the results of the
17 examination and tests. The expert witnesses so subpoenaed shall receive reasonable
18 fees determined by the district attorney and the judge or circuit court commissioner
19 conducting the inquest.

20 **SECTION 283.** 979.06 (3) of the statutes is amended to read:

21 979.06 (3) Any witness examined at an inquest may have counsel present
22 during the examination of that witness. The counsel may not examine or
23 cross-examine his or her client, cross-examine or call other witnesses or argue
24 before the judge or circuit court commissioner holding the inquest.

25 **SECTION 284.** 979.06 (4) (intro.) of the statutes is amended to read:

1 979.06 (4) (intro.) The judge or circuit court commissioner shall administer an
2 oath or affirmation to each witness which shall be substantially in the following
3 form:

4 **SECTION 285.** 979.06 (5)[✓] of the statutes is amended to read:

5 979.06 (5) The judge or circuit court commissioner conducting the inquest shall
6 cause the testimony given by all witnesses to be reduced to writing or recorded and
7 may employ stenographers to take and transcribe all of the testimony. The
8 stenographer shall receive reimbursement at a reasonable rate for each appearance
9 and transcription at rates in accordance with the customary charges in the area for
10 similar services.

11 **SECTION 286.** 979.08 (1)[✓] of the statutes is amended to read:

12 979.08 (1) When the evidence is concluded and the testimony closed, the judge
13 or circuit court commissioner shall instruct the jury on its duties and on the
14 substantive law regarding the issues inquired into before the jury. The district
15 attorney shall prepare a written set of appropriate requested instructions and shall
16 submit them to the judge or circuit court commissioner who, together with the
17 district attorney, shall compile the final set of instructions which shall be given. The
18 instructions shall include those criminal offenses for which the judge or circuit court
19 commissioner believes a reasonable jury might return a verdict based upon a finding
20 of probable cause.

21 **SECTION 287.** 979.08 (3)[✓] (intro:) of the statutes is amended to read:

22 979.08 (3) (intro.) The jury shall retire to consider its verdict after hearing all
23 of the testimony and evidence, making all necessary inquiries and having been
24 instructed in the law. The judge or circuit court commissioner shall provide the jury
25 with one complete set of written instructions providing the substantive law to be

1 applied to the issues to be decided. The verdict shall be in a form which permits the
2 following findings:

3 **SECTION 288.** 979.08 (6) ^J of the statutes is amended to read:

4 979.08 (6) Any verdict so rendered, after being validated and signed by the
5 judge or circuit court commissioner, together with the record of the inquest, shall be
6 delivered to the district attorney for consideration. After considering the verdict and
7 record, the district attorney may deliver the entire inquest record or any part thereof
8 to the coroner or medical examiner for safekeeping.

9 **SECTION 289.** 979.08 (7) ^J of the statutes is amended to read:

10 979.08 (7) **The** record of a secret inquest proceeding shall not be open for
11 inspection unless so ordered by the judge or circuit court commissioner conducting
12 the inquest upon petition by the district attorney.

13 **SECTION 290.** 979.09 ^J of the statutes is amended to read:

14 **979.09 Burial of body.** If any judge or circuit court commissioner conducts
15 an inquest as to the death of a stranger or of a person whose identity is unknown or
16 whose body is unclaimed or if the district attorney determines that no inquest into
17 the death of such a person is necessary and the circuit judge has not ordered an
18 inquest under s. 979.04 (2), the coroner or medical examiner shall cause the body to
19 be decently buried or cremated and shall certify to all the charges incurred in taking
20 any inquest by him or her and to the expenses of burial or cremation of the dead body.
21 The charges and expenses shall be audited by the county board of the proper county
22 and paid out of the county treasury.

23 **SECTION 291. Initial applicability.**

24 (1) This act first applies to actions commenced on the effective date of this
25 subsection.



Insert 5-22a ✓

SEC #. AM; 40.08(9m)

40.08 (9m) GUARDIANS. An application for a benefit, a designation of a beneficiary or any other document which has a long-term effect on a person's rights and benefits under this chapter and which requires a signature may be signed and filed by a guardian of the estate when accompanied by a photocopy or facsimile of an order of guardianship issued by a circuit court judge or a register in probate or a ^{circuit} ~~probate~~ court commissioner who is assigned the authority to issue such orders under s. 757.72 (2) or (5).

~~§36. p. 43, l. 2 "the" added to conform with the p. 41 change; ins. 19-21~~


→ X X X X NOTE: The cross-references to "757.72 (2) or (5)" will be fixed on next draft.

the

WFO: Stats. Database

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU


LRB-0137/P1INSB
RPN:....hmh

1 insert 5-22: 

2 SECTION 1. 48.208 (4) of the statutes is amended to read:

3 43.208 (4) Probable cause exists to believe that the child, having been placed
4 in nonsecure custody by an intake worker under s. 48.207 (1) or by the judge or
5 ~~juvenile circuit~~ court commissioner under s. 48.21 (4), has run away or committed
6 a delinquent act and no other suitable alternative exists.

7 History: 1977 c. 354; 1979 c. 300, 1985 a. 17; 1993 a. 16, 377, 385, 491; 1995 a. 27. 77; 1997 a. 292.

8 insert 6-24: 

9 SECTION 2. 48.21 (1) (b) of the statutes is amended to read:

10 48.21 (1) (b) If no petition has been filed by the time of the hearing, a child may
11 be held in custody with approval of the judge or ~~juvenile circuit~~ court commissioner
12 for an additional 72 hours from the time of the hearing, excluding Saturdays,
13 Sundays and legal holidays, only if, as a result of the facts brought forth at the
14 hearing, the judge or ~~juvenile circuit~~ court commissioner determines that probable
15 cause exists to believe that the child is an imminent danger to himself or herself or
16 to others, that probable cause exists to believe that the parent, guardian or legal
17 custodian of the child or other responsible adult is neglecting, refusing, unable or
18 unavailable to provide adequate supervision and care or, if the child is an expectant
19 mother who was taken into custody under s. 48.19 (1) (cm) or (d) 8., that probable
20 cause exists to believe that there is a substantial risk that if the child expectant
21 mother is not held, the physical health of the unborn child, and of the child when
22 born, will be seriously affected or endangered by the child expectant mother's
23 habitual lack of self-control in the use of alcohol beverages, controlled substances or
controlled substance analogs, exhibited to a severe degree, and to believe that the

1 child expectant mother is refusing or has refused to accept any alcohol or other drug
 2 abuse services offered to her or is not making or has not made a good faith effort to
 3 participate in any alcohol or other drug abuse services offered to her. The extension
 4 may be granted only once for any petition. In the event of failure to file a petition
 5 within the extension period provided for in this paragraph, the judge or **juvenile**
 6 **circuit** court commissioner shall order the child's immediate release from custody.

7 History: 1977 c. 354,447; 1979 c. 300; 1983 a. 399; 1985 a. 311; 1993 a. 98; 1995 a. 27, 77, 275; 1991 a. 35, 237, 292.

insert 7-9: ✓

8 **SECTION 3. 48.21 (7)** of the statutes is amended to read:

9 **48.21 (7) INFORMAL DISPOSITION.** If the judge or **juvenile circuit** court
 10 commissioner determines that the best interests of the child and the public are
 11 served or, in the case of a child expectant mother who has been taken into custody
 12 under s. 48.19 (1) (cm) or (d) 8., that the best interests of the unborn child and the
 13 public are served, he or she may enter a consent decree under s. 48.32 or order the
 14 petition dismissed and refer the matter to the intake worker for informal disposition
 15 in accordance with s. 48.245.

16 History: 1977 c. 354,447; 1979 c. 300; 1983 a. 399; 1985 a. 311; 1993 a. 98; 1995 a. 27, 77, 275; 1997 a. 35, 237, 292.

insert 8-17: ✓

J

17 **SECTION 4. 48.30 (9)** of the statutes is amended to read:

18 48.30 (9) If a **circuit** court commissioner conducts the plea hearing and accepts
 19 an admission of the alleged facts in a petition brought under s. 48.13 or 48.133, the
 20 judge shall review the admission at the beginning of the dispositional hearing by
 21 addressing the parties and making the inquiries set forth in sub. (8).

1995 a. 77, 225, 404, 417, 559, 944; 3, 252, 292, 331, 355, § 9; 1985 a. 321,332; 1987 a. 151; 1987 a. 403 s. 256; Sup Ct Order, 158 W (2d) xvii (1990); 1993 a. 163, 474, 481;

22 **SECTION 5. 48.32 (1)** of the statutes is amended to read:

1 48.32 (1) At any time after the filing of a petition for a proceeding relating to
2 s. 48.13 or 48.133 and before the entry of judgment, the judge or juvenile circuit court
3 commissioner may suspend the proceedings and place the child or expectant mother
4 under supervision in the home or present placement of the child or expectant mother.
5 The court may establish terms and conditions applicable to the child and the child's
6 parent, guardian or legal custodian, to the child expectant mother and her parent,
7 guardian or legal custodian or to the adult expectant mother. The order under this
8 section shall be known as a consent decree and must be agreed to by the child if 12
9 years of age or older, the parent, guardian or legal custodian, and the person filing
10 the petition under s. 48.25; by the child expectant mother, her parent, guardian or
11 legal custodian, the unborn child by the unborn child's guardian ad litem and the
12 person filing the petition under s. 48.25; or by the adult expectant mother, the unborn
13 child by the unborn child's guardian ad litem and the person filing the petition under
14 s. 48.25. The consent decree shall be reduced to writing and given to the parties.

History: 1977 c. 354; 1985 a. 311; 1987 a. 27, 285, 339; 1991 a. 213, 253, 315; 1993 a. 98; 1995 a. 24, 77, 448; 1991 a. 292.

15 **SECTION 6. 48.32 (2) (a)** of the statutes is amended to read:

16 48.32 (2) (a) A consent decree shall remain in effect up to 6 months unless the
17 child, parent, guardian, legal custodian or expectant mother is discharged sooner by
18 the judge or juvenile circuit court commissioner.

History: 1977 c. 354; 1985 a. 311; 1987 a. 27, 285, 339; 1991 a. 213, 253, 315; 1993 a. 98; 1995 a. 24, 77, 448; 1997 a. 292.

19 **SECTION 7. 48.32 (6)** of the statutes is amended to read:

20 48.32 (6) The judge or juvenile circuit court commissioner shall inform the
21 child and the child's parent, guardian or legal custodian, or the adult expectant
22 mother, in writing, of the right of the child or expectant mother to object to the
23 continuation of the consent decree under sub. (3) and the fact that the hearing under

1 which the child or expectant mother was placed on supervision may be continued to
2 conclusion as if the consent decree had never been entered.

3 History: 1977c.354; 1985 a.311; 1987 a.27, 285; 9; 1991 a. 213, 253, 315; 1993 a. 98; 1995 a. 2477,448; 1997 a. 292.
insert 17-8: ✓

section 210

4 SECTION 8. 49.855 (3) of the statutes, as affected by 1997 Wisconsin Act 237,
5 is amended to read:

~~6 49.855 (3) Receipt of a certification by the department of revenue shall
7 constitute a lien, equal to the amount certified, on any state tax refunds or credits
8 owed to the obligor. The lien shall be foreclosed by the department of revenue as a
9 setoff under s. 71.93 (3), (6) and (7). When the department of revenue determines
10 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
11 obligor that the state intends to reduce any state tax refund or credit due the obligor
12 by the amount the obligor is delinquent under the support or maintenance order, by
13 the outstanding amount for past support, medical expenses or birth expenses under
14 the court order or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall
15 provide that within 20 days the obligor may request a hearing before the circuit court
16 rendering the order. Within 10 days after receiving a request for hearing under this
17 subsection, the court shall set the matter for hearing. Pending further order by the
18 court or family court commissioner, the clerk of circuit court or county support
19 collection designee under s. 59.53 (5m) is prohibited from disbursing the obligor's
20 state tax refund or credit. The family court commissioner may conduct the hearing.
21 The sole issues at that hearing shall be whether the obligor owes the amount certified
22 and, if not and it is a support or maintenance order, whether the money withheld
23 from a tax refund or credit shall be paid to the obligor or held for future support or
24 maintenance. An obligor may, within 20 days of receiving notice that the amount~~

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and remove
bold from stat text*

1 certified shall be withheld from his or her federal tax refund or credit, request a
2 hearing under this subsection.

NOTE: NOTE: Sub. (3) is repealed and recreated eff. 10-1-99 or the date stated in the notice published by the department of workforce development in the Wisconsin Administrative Register under s. 767.29(1)(f), whichever is earlier, by 1997 Wis. Act 237 to read:NOTE:

49.855

3 **(3)** Receipt of a certification by the department of revenue shall constitute a lien, equal to the
4 amount certified, on any state tax refunds or credits owed to the obligor. The lien shall be
5 foreclosed by the department of revenue as a setoff under s. 71.93 (3), (6) and (7). When the
6 department of revenue determines that the obligor is otherwise entitled to a state tax refund or
7 credit, it shall notify the obligor that the state intends to reduce any state tax refund or credit due
8 the obligor by the amount the obligor is delinquent under the support or maintenance order, by
9 the outstanding amount for past support, medical expenses or birth expenses under the court
10 order or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall provide that within
11 20 days the obligor may request a hearing before the circuit court rendering the order. Within
12 10 days after receiving a request for hearing under this subsection, the court shall set the matter
13 for hearing. Pending further order by the court or family circuit court commissioner, the
14 department of workforce development or its designee, whichever is appropriate, is prohibited
15 from disbursing the obligor's state tax refund or credit. The family circuit court commissioner
16 may conduct the hearing. The sole issues at that hearing shall be whether the obligor owes the
17 amount certified and, if not and it is a support or maintenance order, whether the money withheld
18 from a tax refund or credit shall be paid to the obligor or held for future support or maintenance.
19 An obligor may, within 20 days of receiving notice that the amount certified shall be withheld from
20 his or her federal tax refund or credit, request a hearing under this subsection.

History: 1981 c. 20.391; 1983 a. 27; 1987 a. 27; 1987 a. 312s. 17; 1987 a. 421; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 16,481; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 279; 1995 a. 404 ss. 50 to 59; Stats. 1995 s. 49.855; 1997 a. 3, 27, 35, 237, 252; s. 13.93 (2) (c).

21 SECTION 9. 49.855 (4m) (b) of the statutes, as affected by 1997 Wisconsin Act
22 section 212,
237, is amended to read:

23 ~~49.855 (4m) (b) The department of revenue may provide a certification that it~~
24 ~~receives under sub. (2), (2m) or (2p) to the department of administration. Upon~~
25 ~~receipt of the certification, the department of administration shall determine~~
26 ~~whether the obligor is a vendor or is receiving any other payments from this state,~~
27 ~~except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s.~~
28 ~~45.351 (1), this chapter or ch. 46, 108 or 301. If the department of administration~~
29 ~~determines that the obligor is a vendor or is receiving payments from this state,~~
30 ~~except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s.~~
31 ~~45.351 (1), this chapter or ch. 46, 108 or 301, it shall begin to withhold the amount~~
32 ~~certified from those payments and shall notify the obligor that the state intends to~~
33 ~~reduce any payments due the obligor by the amount the obligor is delinquent under~~

1 the support or maintenance order, by the outstanding amount for past support,
 2 medical expenses or birth expenses under the court order or by the amount due under
 3 s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days after receipt
 4 of the notice the obligor may request a hearing before the circuit court rendering the
 5 order. An obligor may, within 20 days after receiving notice, request a hearing under
 6 this paragraph. Within 10 days after receiving a request for hearing under this
 7 paragraph, the court shall set the matter for hearing. The family court commissioner
 8 may conduct the hearing. Pending further order by the court or family court
 9 commissioner, the clerk of circuit court or county support collection designee under
 10 s. 59.53 (5m) may not disburse the payments withheld from the obligor. The sole
 11 issues at the hearing are whether the obligor owes the amount certified and, if not
 12 and it is a support or maintenance order, whether the money withheld shall be paid
 to the obligor or held for future support or maintenance.

Fill font; Remove bold

NOTE: NOTE: Par. (b) is repealed and recreated eff. 10-1-99 or the date stated in the notice published by the department of workforce development in the Wisconsin Administrative Register under s. 767.29 (1)-(f), whichever is earlier, by 1997 Wis. Act 237 to read: NOTE:

1985 (4m)
(B)

14 (b) The department of revenue may provide a certification that it receives under sub. (1), (2m)
 15 or (2p) to the department of administration. Upon receipt of the certification, the department of
 16 administration shall determine whether the obligor is a vendor or is receiving any other payments
 17 from this state, except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s.
 18 45.351 (1), this chapter or ch. 46,108 or 301. If the department of administration determines that
 19 the obligor is a vendor or is receiving payments from this state, except for wages, retirement
 20 benefits or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this chapter or ch. 46,108 or 301,
 21 it shall begin to withhold the amount certified from those payments and shall notify the obligor
 22 that the state intends to reduce any payments due the obligor by the amount the obligor is
 23 delinquent under the support or maintenance order, by the outstanding amount for past support,
 24 medical expenses or birth expenses under the court order or by the amount due under s. 46.10 (4)
 25 or 301.12 (4). The notice shall provide that within 20 days after receipt of the notice the obligor
 26 may request a hearing before the circuit court rendering the order. An obligor may, within 20 days
 27 after receiving notice, request a hearing under this paragraph. Within 10 days after receiving a
 28 request for hearing under this paragraph, the court shall set the matter for hearing. The family
 29 ~~circuicourt~~ ~~commissioener~~ ~~may~~ ~~conduct~~ ~~the~~ ~~hearing.~~ ~~r~~ ~~b~~ ~~y~~ ~~t~~ ~~h~~ ~~e~~ ~~c~~ ~~o~~ ~~u~~ ~~r~~ ~~t~~ ~~o~~ ~~r~~
 30 family circuit court commissioner, the department of workforce development or its designee,
 31 whichever is appropriate, may not disburse the payments withheld from the obligor. The sole
 32 issues at the hearing are whether the obligor owes the amount certified and, if not and it is a
 33 support or maintenance order, whether the money withheld shall be paid to the obligor or held
 34 for future support or maintenance.

History: 1981 c. 20, 391; 1983 a. 27; 1987 a. 27; 1987 a. 312 s. 17; 1987 a. 421; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 16, 481; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 279; 1995 a. 404 ss. 50 to 59; Stats. 1995 s. 49:855; 1997 a. 3, 27, 35, 237, 252; s. 13.93 (2) (c).

1 insert 24-8: ✓

2 SECTION 10. 59.53 (5m) (a) of the statutes is amended to read: ✓

3 59.53 (5m) (a) Subject to approval of the department of workforce development
4 under par. (am), designate by resolution any office, officer, board, department or
5 agency as the county support collection designee to receive and disburse child and
6 spousal support payments ordered by the court under s. 948.22 (7) and child and
7 family support payments and maintenance payments ordered by the court or the
8 family circuit court commissioner under ch. 767 or ordered by a court in another
9 county or jurisdiction but enforced or received by the court of the support collection
10 designee's county.

History: 1995 a. 201 ss. 151, 153, 169, 413, 188, 192, 198, 201 to 206, 208, 217, 229, 234, 237, 241, 334, 362, 364, 436, 453; 1995 a. 225 ss. 164, 170; 1995 a. 279 s. 7; 1995 a. 289 s. 217; 1995 a. 404 ss. 184, 186; 1997 a. 3, 27, 35, 41, 191, 252.

11 SECTION 11. 59.64 (1) (c) 1. (intro.) and 2. of the statutes is amended to read:

12 59.64 (1) (c) ^(title) Of circuit and supplemental court commissioners. 1. ^(title) Court Circuit
13 and supplemental court commissioners shall, on or before the first Monday of
14 November in each year, forward to the clerk of their respective counties a correct
15 statement of all actions or proceedings had before them, during the immediately
16 preceding year, in which the county became liable for costs. The statement shall
17 include all of the following:

18 2. The clerk shall file the statements described in subd. 1. in his or her office.
19 Any circuit or supplemental court commissioner who neglects to make and return the
20 statements within the time prescribed in subd. 1. shall not receive any compensation
21 from the county for any service rendered by him or her in any criminal case or
22 proceeding during the year next preceding the time when the statement is required
23 to be made and returned.

History: 1995 a. 158 s. 9; 1995 a. 201 ss. 397, 427, 428, 430, 433; 1995 a. 225 ss. 165 to 168, 1997 a. 27, 35, 250, 252, 253; s. 13.93 (2) (c)

24 Insert 24-13:

1 SECTION 12. 59.64 (1) (d) 1. (intro.) of the statutes is amended to read:

2 59.64 (1) (d) 1. (intro.) At least 10 days before the annual meeting of the board,
3 every circuit and supplemental court commissioner shall make and file with the clerk
4 a certified statement of all actions or proceedings had or tried before him or her
5 within the year next preceding the date of the statement in which the state was a
6 party and in which the county became liable for the fees of officers who appeared on
7 the part of either the state or a defendant. The statement shall include all of the
8 following:

renumbered 757.69 (1) (g) (intro.) and

History: 1995 a. 158 s. 9; 1995 a. 201 ss. 397, 427, 428, 430, 433; 1995 a. 225 ss. 165 to 168; 1997 a. 27, 35, 250, 252, 253; s. 13.93 (2) (c)

9 Insert 36-5a.

10

SECTION 13. 757.69 (1) (g) of the statutes is amended to read:

11

757.69 (1) (g) ^(intro.) When assigned to the court assigned jurisdiction under chs. 48

12 and 938, ~~a court commissioner may, under ch. 48 or 938, issue:~~

- 13 ~~1. Issue~~ ^{issue} summonses and warrants & ~~fees~~
- 14 ~~2. Order~~ ^{order} the release or detention of children or expectant mothers of unborn
- 15 children taken into custody, ~~conduct~~ ^{conduct}
- 16 ~~3. Conduct~~ ^{conduct} detention and shelter care hearings, ~~conduct~~ ^{conduct}
- 17 ~~4. Conduct~~ ^{conduct} preliminary appearances, ~~conduct~~ ^{conduct}
- 18 ~~5. Conduct~~ ^{conduct} uncontested proceedings under ss. 48.13, 48.133, 938.12, 938.13 and
- 19 938.18, ~~enter~~ ^{enter}
- 20 ~~6. Enter~~ ^{enter} into consent decrees and exercise ~~fees~~ ^{performing}
- 21 ~~7. Exercise~~ ^{exercise} the powers and ~~perform~~ ^{performing} the duties specified in par. (j) or (m),

23

22 whichever is applicable, in proceedings under s. 813.122 or 813.125 in which the
respondent is a child. ^{plain} ~~Contested waiver hearings under s. 938.18 and dispositional~~

24 ~~hearings under ss. 48.335 and 938.335 shall be conducted by a judge. When acting~~

1 ~~in an official capacity and assigned to the children's court center, a court~~
 2 ~~commissioner shall sit at the children's court center or such other facility designated~~
 3 ~~by the chief judge. Any decision by the commissioner shall be reviewed by the judge~~
 4 ~~of the branch of court to which the case has been assigned, upon motion of any party.~~
 5 ~~Any determination, order or ruling by the commissioner may be certified to the~~
 6 ~~branch of court to which such case has been assigned upon a motion of any party for~~
 7 ~~a hearing de novo.~~

History: 1977 c. 323,449; 1979 c. 32; 1979 ^{79 c. 8} _{(0); 1991} 979 c. 209 s. 4; 1979 c. 352,356; 1983 a. 279; 1985 a. 126, 202, 234, 332, 1987 a. 3, 27, 71, 378, 398; 1989 a. 7, 12, 31, 246; Sup. Ct. Order. 158 W (2d) xxv (1990); 1991 a. 39, 269; 1993 a. 318, 451, 481; 1995 a. 77, 1997 a. 191, 192, 292; s. 13.93 (1) (b).

8 Insert 67-2:

9 SECTION 14. 767.455 (5) of the statutes is amended to read:

10 767.455 (5) FORM. The summons shall be in substantially the following form:

11 STATE OF WISCONSIN, CIRCUIT COURT . . .COUNTY

12 _____
13 In re the Paternity of A. B.

14 STATE OF WISCONSIN

15 and

16 C. D.

17 Address

18 City, State Zip Code

File No. . . .

19 , Petitioners

20 vs.

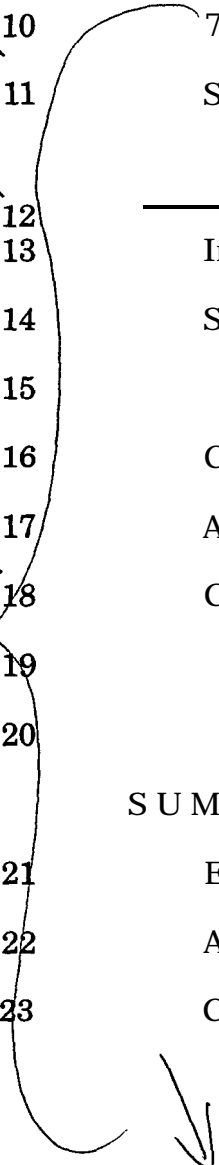
21 S U M M O N S

22 E. F.

23 Address (Case Classification Type): (Code No.)

City, State Zip Code

WFO: use already formatted form in proof that form tabs



1 _____, Respondent

2 _____
3 THE STATE OF WISCONSIN, To the Respondent:

4 You have been sued. claims that you are the father of the child, born on
5 (date), in (city) (county) (state). You must appear to answer this claim of
6 paternity. Your court appearance is:

7 Date:
.....

8 Time:
.....

9 Room:
.....

10 Judge or ~~Family~~ Circuit Court Commissioner:
✓ ✓

11 Address:
.....

12 If you do not appear, the court will enter a default judgment finding you to be
13 the father. A default judgment will take effect 30 days after it is served on or mailed
14 to you, unless within those 30 days you present to the court evidence of good cause
15 for failure to appear. If you plan to be represented by an attorney, you should contact
16 the attorney prior to the court appearance listed above. If you are unable to afford
17 an attorney, the court will appoint one for you only upon the blood tests showing that
18 you are not excluded as the father and the probability of your being the father is less
19 than 99.0%. Appearance is not required if you complete the attached waiver of first
20 appearance statement and send it to the court at least 10 days prior to the date of
21 your scheduled appearance in this summons.

1 Dated: (year)
 2 Signed:,
 3 G. H., Clerk of Circuit Court
 4
 5 Petitioner's Attorney
 6 State Bar No.:
 7 Address:
 8 City, State Zip Code:
 9 Phone No.:

or

History: 1979 c. 352; 1981 c. 314; 1983 a. 447; 1985 a. 29; 1987 a. 27, 413; Sup. Ct. Order, 171 W (2d) xix (1992); 1993 a. 16,481; 1995 a. 27 ss. 7112, 7113b, 9126 (19); 1995 a. 100, 404, 417; 1997 a. 35, 191, 250

10 Insert 68-14: ✓

11 SECTION 15. 767.465 (2) (a) of the statutes is amended to read:

12 767.465 (2) (a) Except as provided in sub. (2m), if a respondent is the alleged
 13 father and fails to appear at the first appearance, unless the first appearance is not
 14 required under s. 767.457 (2), scheduled court-ordered genetic test, pretrial hearing
 15 or trial, the court shall enter an order adjudicating the respondent to be the father
 16 and appropriate orders for support, legal custody and physical placement. The
 17 orders shall be either served on the respondent or mailed by regular, registered or
 18 certified mail, to the last-known address of the respondent. The orders shall take
 19 effect 30 days after service or 30 days after the date on which the orders were mailed
 20 unless, within that time, the respondent presents to the court or a circuit or
 21 supplemental court commissioner under s. ~~757.69 (3) (g)~~ [✓] 753.36 (2) (g) [✓] evidence of
 22 good cause for failure to appear or failure to have undergone a court-ordered genetic
 23 test.

History: 1979 c. 352; 1983a.447; 1987 a. 27, 403, 413; 1989a. 31, 56, 212; 1993a.481; 1995 a 100; 1997 a. 191.

24 Insert 95-4:

1 **SECTION 16.** 938.21 (1) (a) of the statutes is amended to read:

2 938.21 (1) (a) If a juvenile who has been taken into custody is not released
3 under s. 938.20, a hearing to determine whether the juvenile shall continue to be held
4 in custody under the criteria of ss. 938.205 to 938.209 (1) shall be conducted by the
5 judge or juvenile circuit court commissioner within 24 hours after the end of the day
6 that the decision to hold the juvenile was made, excluding Saturdays, Sundays and
7 legal holidays. By the time of the hearing a petition under s. 938.25 shall be filed,
8 except that no petition need be filed where a juvenile is taken into custody under s.
9 938.19 (1) (b) or (d) 2., 6. or 7. or where the juvenile is a runaway from another state,
10 in which case a written statement of the reasons for holding a juvenile in custody
11 shall be substituted if the petition is not filed. If no hearing has been held within 24
12 hours or if no petition or statement has been filed at the time of the hearing, the
13 juvenile shall be released except as provided in par. (b). A parent not present at the
14 hearing shall be granted a rehearing upon request.

15 History: 1995 a. 77, 275; 1991 a. 35, 231, 296.

Insert 98-17: ✓

16 **SECTION 17.** 938.32 (1) (a) of the statutes is amended to read:

17 938.32 (1) (a) At any time after the filing of a petition for a proceeding relating
18 to s. 938.12 or 938.13 and before the entry of judgment, the judge or juvenile circuit
19 court commissioner may suspend the proceedings and place the juvenile under
20 supervision in the juvenile's own home or present placement or in a youth village
21 program as described in s. 118.42. The court may establish terms and conditions
22 applicable to the parent, guardian or legal custodian, and to the juvenile, including
23 any of the conditions specified in subs. (Id), (lg), (lm), (It), (1v) and (lx). The order
24 under this section shall be known as a consent decree and must be agreed to by the

1 juvenile; the parent, guardian or legal custodian; and the person filing the petition
2 under s. 938.25. If the consent decree includes any conditions specified in sub. (lg),
3 the consent decree shall include provisions for payment of the services as specified
4 in s. 938.361. The consent decree shall be reduced to writing and given to the parties.

5 **History:** 1995 a. 77, 352,448; 1997 a. 181, 83, 205, s. 13.93 (2) (c); 1997 a. 239.

6 **Insert 100-18:** ✓

7 **SECTION 18. 938.32 (1t)** (a) 1. of the statutes is amended to read:

8 938.32 (1t) (a) 1. Subject to subd. 3., if the petition alleges that the juvenile
9 committed a delinquent act that has resulted in damage to the property of another,
10 or in actual physical injury to another excluding pain and suffering, the judge or
11 juvenile circuit court commissioner may require the juvenile as a condition of the
12 consent decree, to repair the damage to property or to make reasonable restitution
13 for the damage or injury, either in the form of cash payments or, if the victim agrees,
14 the performance of services for the victim, or both, if the judge or juvenile circuit
15 court commissioner, after taking into consideration the well-being and needs of the victim,
16 considers it beneficial to the well-being and behavior of the juvenile. Any consent
17 decree that includes a condition of restitution by a juvenile shall include a finding
18 that the juvenile alone is financially able to pay or physically able to perform the
19 services, may allow up to the date of the expiration of the consent decree for the
20 payment or for the completion of the services and may include a schedule for the
21 performance and completion of the services. Objection by the juvenile to the amount
22 of damages claimed shall entitle the juvenile to a hearing on the question of damages
23 before the amount of restitution is made part of the consent decree. Any recovery
24 under this subdivision shall be reduced by the amount recovered as restitution for
the same act under subd. 1m.

1 ~~NOTE: NOTE: NOTE: Subd. 1. is shown as affected by three acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:~~
2 History: 1995 a. 77, 352, 448; 1997 a. 181, 183, 205; s. 13.93 (2) (c); 1997 a. 239.

Insert 101-18: ✓

3 **SECTION 19. 938.32 (1v)** of the statutes is amended to read:

4 938.32 (1v) If the petition alleges that the juvenile is in need of protection or
5 services under s. 938.13 (6), the judge or ~~juvenile~~ juvenile circuit court commissioner may
6 establish as a condition under sub. (1) that the juvenile's parent, guardian or legal
7 custodian attend school with the juvenile.

History: 1995 a. 77, 352, 448; 1997 a. 181, 183, 205; s. 13.93 (2) (c); 1997 a. 239.

1999-2000 **DRAFTING INSERT**
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0137/P1insC
RPN:...:hnh

1 insert 28-3: ✓

read Δ's

2 SECTION 1. **133.11** (3) of the statutes is amended to read:

3 **133.11** (3) The commissioner shall be entitled to the fees as provided in s.
4 ~~814.68 (1)~~ 753.36 (6). All such fees and all other costs and expenses incident to the
5 inquiry shall be paid out of the appropriation provided by s. 20.455 **(1)** (d).

History: 1979 c. 209; 1981 c. 314; 1981 c. 317 s. 2202.

6 insert 31-11:

7 SECTION 2. 563.71 (1) (c) of the statutes is amended to read:

8 **563.71 (1)** (c) The commissioner shall be entitled to the fees under s. ~~814.68 (1)~~ ✓
9 753.36 (6). All such fees and all other costs and expenses incident to such inquiry
10 shall be paid out of the appropriation under s. 20.455 (1) (d).

History: 1973 c. 156; Sup. Ct. Order, 67 W (2d) 585,753 (1975); 1977 c. 29 s. 1656 (27); 1977 c. 187 s. 135; 1977 c. 273; 1977 c. 323 s. 16; 1977 c. 426; 1979 c. 34; 1981 c. 317 s. 2202; 1991 a. 269 s. 782kd; Stats. 1991 s. 563.71.

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0137/P1ins
RPN.....

1 insert 3-15: ✓

2 SECTION 1. 13.24 (1) If the statutes is amended to read:

3 13.24 (1) After the service of the notice required by s. 13.23 either party may
4 proceed to take the depositions of witnesses before any judge, circuit or supplemental
5 court commissioner or a municipal judge in the district where the contest is pending,
6 upon giving 10 days' notice in writing to the opposite party of the time and place at
7 which and the officer before whom such depositions will be taken. No deposition
8 shall be taken after the last Monday preceding the day fixed by law for the meeting
9 of the legislature, except in case of sickness or unavoidable absence of witnesses.

10 Hi story: 1977 c. 305s. 64; 1983a. 36 s. 96 (2).

10 insert 31-18: ✓

11 SECTION 2. 757.01 (4) of the statutes is created to read:

12 757.01 (4) ✓ To exercise any of the powers and duties of a circuit court
13 commissioner.

14 insert 33-11: ✓

15 (no paragraph) The chief judge of the judicial administrative district shall
16 appoint a circuit court commissioner as the family court commissioner to supervise
17 the office of family court commissioner.

18 insert 34-13: ✓

19 SECTION 3. 757.68 (3m) of the statutes is created to read:

20 757.68 (3m) The county board shall set the salary of persons appointed as
21 circuit or supplemental court commissioners. The county board shall furnish circuit

sort; out of order

1 court commissioners with necessary office space, furnishings and supplies and
2 stenographic and investigational services.

***NOTE: This language is taken from s. 767.13 (2) (b). Should this language be updated, such as to include telephones, computers and security?

3 SECTION 4. 757.68 (4m) of the statutes is created to read:

4 757.68 (4m) The chief judge of the judicial administrative district may assign
5 law clerks, bailiffs and deputies to a circuit court commissioner. The chiefjudge shall
6 supervise circuit court commissioners, law clerks, bailiffs and deputies assigned to
7 the court, except that the chiefjudge may delegate that authority. If the chiefjudge
8 delegate authority to a judge assigned to probate jurisdiction, that judge may assign
9 to the circuit court commissioner any matters over which the judge has jurisdiction,
10 and the circuit court commissioner may determine such matters and may sign any
11 order or certificate required by that determination.

***NOTE: I took this language from ss. 48.065 (1) and 757.72 (2), except that I added the phrase "assigned to the court" OK?

- 12 I 76-9: starts
 13 insert 36-5. SEC # CR; 757.69C(1)(2) 18. to 15.
 14 8. Conduct hearings under s. 48.21 or 938.21 and thereafter order a child or
 juvenile held in or released from custody.
 15 9. Conduct hearings under s. 48.213 and thereafter order an adult expectant
 16 mother of an unborn child to be held in or released from custody.
 17 10. Conduct plea hearings..
 18 11. Enter into consent decrees.
 19 12. Conduct prehear ing conferences.
 20 13. Issue orders requiring compliance with deferred prosecution agreements.
 21 14. Conduct all proceedings on netitions or citations uncer s. 938.125.
 22 15. Conduct uncontested proceedings under s. 938.12, 938.13 or 938.18.

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insert 36-6: ✓

SECTION 5. 757.69 (1) (k) of the statutes is repealed and recreated to read:

757.69 (1) (k) Administer oaths, take, certify and report depositions and testimony, take and certify acknowledgments, allow accounts and fix the amount and approve the sufficiency of bonds.

****NOTE: This language was taken from s. 757.72 (8).

SECTION 6. 757.69 (1m) of the statutes is created to read:

to exercise ✓

757.69 (1m) (a) Circuit court commissioners assigned to a court assigned jurisdiction under chs. 48 and 938 shall sit at the children's court center or such other facility designated by the chief judge of the judicial administrative district. Those commissioners may not do any of the following :

1. Conduct fact-finding or dispositional hearings except on petitions or citations under s. 938.125 and except as provided in sub. (1) (g) 5.

2. Make dispositions other than approving consent decrees, ordering compliance with deferred prosecution agreements and other than dispositions in uncontested proceedings under s. 48.13, 48.133, 938.2 or 938.13. 938.12 ✓

3. Conduct hearing for the termination of parental rights or for adoptions.

4. Make changes in placements of children, juveniles or of the expectant mothers of unborn children, or revisions or extensions of dispositional orders, except pursuant to petitions or citations under s. 938.125 and except in uncontested proceedings under s. 48.13, 48.133, 938.12 or 938.13.

5. Conduct hearing, make findings or issue orders in proceedings under s. 48.977 or 48.978.

6. Conduct waiver hearings under s. 938.18, except as provided in sub. (1) (g)

5.

1 7. Make any dispositional order under s. 938.34 (4d), (4h) or (4m).

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

7 insert 38-16:

8 SECTION 7. 757.72 (5) of the statutes is renumbered 851.73 (1) (g) and amended
9 to read:

10 851.73 (1) (g) ~~The register in probate of a county shall~~ Shall have the duties and
11 powers of a ~~probate~~ ^{circuit} court commissioner ^{assigned to assist in probate 4 & r - -} and shall act in that capacity when
12 designated to do so by a judge assigned probate jurisdiction.

13 History: 1977 c. 323,449.

14 insert 39-6:

15 SECTION 8. 757.81 (2) of the statutes is repealed.

16 SECTION 9. 757.81 (6) of the statutes is amended to read:

17 757.81 (6) "Permanent disability" means a physical or mental incapacity which
18 impairs the ability of a judge or circuit or sutmlemental court commissioner to
19 substantially perform the duties of his or her ^{judicial} office and which is or is likely
20 to be of a permanent or continuing nature.

21 History: 1977 c. 449; 1983 a. 378; 1991 a. 269; 1995 a. 77.

21 SECTION 10. 757.85 (1) (a) of the statutes is amended to read:

22 757.85 (1) (a) The commission shall investigate any possible misconduct or
23 permanent disability of a judge or circuit or sunlemental court commissioner.
24 Misconduct constitutes cause under article VII, section 11, of the constitution.

1 Except as provided in par. (b), judges, circuit or sunnlemental court commissioners,
2 clerks, court reporters, court employes and attorneys shall comply with requests by
3 the commission for information, documents and other materials relating to an
4 investigation under this section.

History: 1977 c. 449; 1983 a. 192; 1983 a. 378 s. 11m; 1985 a. 332; 1987 a. 72; 1991 a. 269.

5 **SECTION 11.** 757.85 (1) (b) of the statutes is amended to read:

6 757.85 (1) (b) The judge or circuit or supplemental court commissioner who is
7 under investigation is not subject to the request procedure under par. (a) but is
8 subject to the subpoena procedure under sub. (2).

History: 1977 c. 449; 1983 a. 192; 1983 a. 378 s. 11m; 1985 a. 332; 1987 a. 72; 1991 a. 269.

9 **SECTION 12.** 757.85 (3) of the statutes is amended to read:

10 757.85 (3) The commission may notify a judge or circuit or sunnlemental court
11 commissioner that the commission is investigating possible misconduct by or
12 permanent disability of the judge or circuit or supplemental court commissioner.
13 Before finding probable cause, the commission shall notify the judge or circuit or
14 sunnlemental court commissioner of the substance of the complaint or petition and
15 afford the judge or circuit or supplemental court commissioner a reasonable
16 opportunity to respond. If the judge or circuit or sunnlemental court commissioner
17 responds, the commission shall consider the response before it finds probable cause.

History: 1977 c. 449; 1983 a. 192; 1983 a. 378 s. 11m; 1985 a. 332; 1987 a. 72; 1991 a. 269.

18 **SECTION 13.** 757.85 (4) of the statutes is amended to read:

19 757.85 (4) The commission may require a judge or circuit or sunnlemental court
20 commissioner who is under investigation for permanent disability to submit to a
21 medical examination arranged by the commission.

History: 1977 c. 449; 1983 a. 192; 1983 a. 378 s. 11m; 1985 a. 332; 1987 a. 72; 1991 a. 269.

22 **SECTION 14.** 757.85 (5) of the statutes is amended to read:

1 757.85 (5) The **commission** shall, upon a finding of probable cause that a judge
2 or circuit or supplemental court commissioner has engaged or is engaging in
3 misconduct, file a formal complaint with the supreme court. Upon a finding of
4 probable cause that a judge or circuit or supplemental court commissioner has a
5 permanent disability, the commission shall file a petition with the supreme court.
6 If the commission requests a jury under s. 757.87 (1), the request shall be attached
7 to the formal complaint or the petition.

History: 1977 c. 449; 1983 a. 192; 1983 a. 378 s. 11m; 1985 a. 332; 1987 a. 72; 1991 a. 269.

8 **SECTION 15.** 757.87 (1) of the statutes is amended to read:

9 757.87 **(1)** After the commission has found probable cause that a judge or
10 circuit or supplemental court commissioner has engaged in misconduct or has a
11 permanent disability, and before the commission files a formal complaint or a
12 petition under s. 757.85 (5), the commission may, by a majority of its total
13 membership not disqualified from voting, request a jury hearing. If a jury is not
14 requested, the matter shall be heard by a panel constituted under sub. (3). The vote
15 of each member on the question of a jury request shall be recorded and shall be
16 available for public inspection under s. 19.35 after the formal complaint or the
17 petition is filed.

History: 1977 c. 449; 1981 c. 335 s. 26; 1983 a. 378 ss. 8g, 11m; 1991 a. 269.

18 **SECTION 16.** 757.89 of the statutes is amended to read:

19 **757.89 Hearing.** A record shall be kept of any hearing on a formal complaint
20 or a petition. The allegations of the complaint or petition must be proven to a
21 reasonable certainty by evidence that is clear, satisfactory and convincing. The
22 hearing shall be held in the county where the judge or circuit or supplemental court
23 commissioner resides unless the presiding judge changes venue for cause shown or
24 unless the parties otherwise agree. If the hearing is by a panel, the panel shall make

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1 findings of fact, conclusions of law and recommendations regarding appropriate
 2 discipline for misconduct or appropriate action for permanent disability and file the
 3 findings, conclusions and recommendations with the supreme court. If a jury
 4 hearing is requested under s. 757.87 (1), the presiding judge shall instruct the jury
 5 regarding the law applicable to judicial misconduct or permanent disability, as
 6 appropriate. The presiding judge shall file the jury verdict and his or her
 7 recommendations regarding appropriate discipline for misconduct or appropriate
 8 action for permanent disability with the supreme court.

9 History: 1977 c. 449; 1983 8.378 s. 11m; 1991 a. 269.

SECTION 17. 757.93 (1) (a) of the statutes is amended to read:

10 757.93 (1) (a) All proceedings under ss. 757.81 to 757.99 relating to misconduct
 11 or permanent disability prior to the filing of a petition or formal complaint by the
 12 commission are confidential unless a judge or circuit or supplemental court
 13 commissioner waives the right to confidentiality in writing to the commission. Any
 14 such waiver does not affect the confidentiality of the identity of a person providing
 15 information under par. (b).

16 History: 1977 c. 449; 1983 a. 318 ss. 8r, 11m; 1987 a. 72; 1991 a. 269.

SECTION 18. 757.93 (1) (b) of the statutes is amended to read:

17 757.93 (1) (b) Any person who provides information to the commission
 18 concerning possible misconduct or permanent disability may request that the
 19 commission not disclose his or her identity to the judge or circuit or sunnlemental
 20 court commissioner prior to the filing of a petition or a formal complaint by the
 21 commission.

22 History: 1977 c. 449; 1983 a. 378 ss. 8r, 11m; 1987 a. 72; 1991 a. 269.

SECTION 19. 757.93 (2) of the statutes is amended to read:

23 757.93 (2) If prior to the filing of a formal complaint or a petition an
 24 investigation of possible misconduct or permanent disability becomes known to the

1 public, the commission may issue statements in order to confirm the pendency of the
2 investigation, to clarify the procedural aspects of the disciplinary proceedings, to
3 explain the right of the judge or circuit or supplemental court commissioner to a fair
4 hearing without prejudgment, to state that the judge or court commissioner denies
5 the allegations, to state that an investigation has been completed and no probable
6 cause was found or to correct public misinformation.

History: 1977 c. 449; 1983 a. 378 ss. 8r, 11m; 1987 a. 72; 1991 a. 269/

7 **SECTION 20. 757.93 (4) (a)** of the statutes is amended to read:

8 757.93 (4) (a) Referring to the director of state courts information relating to
9 an alleged delay or an alleged temporary disability of a judge or circuit or
10 supplemental court commissioner.

History: 1977 c. 449; 1983 a. 378 ss. 8r, 11m; 1987 8.72/1991 a. 269.

11 **SECTION 21. 757.95** of the statutes is amended to read:

12 **757.95 Temporary suspension by supreme court.** The supreme court may,
13 following the filing of a formal complaint or a petition by the commission, prohibit
14 a judge or circuit or supplemental court commissioner from exercising the powers of
15 a judge or circuit or supplemental court commissioner pending final determination
16 of the proceedings.

History: 1977 c. 449; 1991 a. 269. ✓

17 **SECTION 22. 757.99** of the statutes is amended to read:

18 **757.99 Attorney fees.** A judge or circuit or supplemental court commissioner
19 against whom a petition alleging permanent disability is filed by the commission
20 shall be reimbursed for reasonable attorney fees if the judge or circuit or
21 supplemental court commissioner is found not to have a permanent disability A
22 judge or circuit or supplemental court commissioner against whom a formal
23 complaint alleging misconduct is filed by the commission and who is found not to
24 have engaged in misconduct may be reimbursed for reasonable attorney fees. Any

Insert 45-13

From
Stats.
Database

SEC #. AM; 767.12(1) ↓

~~38. Amend the stat. shown below to read as follows~~ (CS)

767.12 (1) Proceedings. In actions affecting the family, all hearings and trials to determine whether judgment shall be granted, except hearings under s. 767.13 (5), shall be before the court. The testimony shall be taken by the reporter and shall be written out and filed with the record if so ordered by the court. Custody proceedings shall receive priority in being set for hearing.

757.69 (1) (p) 3.

I think
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insert
this
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the
statute

1 judge or circuit or supplemental court commissioner seeking recovery of attorney
2 fees authorized or required under this section shall file a claim with the claims board
3 under s. 16.53.

4 History: 1977 c. 449; 1981 c. 20; 1983 a. 378 s. 11m; 1991 a. 269.

5 insert 49-21: ✓

6 SECTION 23. 767.14 of the statutes is amended to read:

7 ~~767.14 (title)~~ Service on office of family court commissioner and
8 appearance by family ~~circuit~~ court commissioner. affecting the

9 family, each party shall, either within 20 days after making service on the opposite
10 party of any petition or pleading or before filing such petition or pleading in court,
11 serve a copy of the same upon the office of the family court commissioner of the county
12 in which the action is begun, whether such action is contested or not. No judgment
13 in any such action shall be granted unless this section is complied with except when
14 otherwise ordered by the court. ^{claim space} Such A circuit court commissioner assisting the court
15 in matters affecting the family may appear in an action under this chapter when
16 appropriate; and shall appear when requested by the court.

17 History: 1977 c. 105; 1979 c. 32 s. 50; 1979 c. 352 s. 39; Stad. 1979 s. 767.14.

17 SECTION 24. 767.145 (1) of the statutes is amended to read:

18 767.145 (1) After the expiration of the period specified by the statute, the court
19 may in its discretion, upon petition and without notice, extend the time within which
20 service shall be made upon the office of the family court commissioner.

21 History: Sup Ct. Order, 67 W (2d) 585,775 (1975); 1979 c. 32 s. 50; 1979 c. 196; Stats. 1979 s. 767.145; 1983 a. 447

22 insert 50-7. ✓

23 SECTION 25. 767.16 of the statutes is amended to read:

Circuit
~~767.116~~ Family circuit court commissioner or law partner; when

1

interested, procedure. Neither a family circuit court commissioner ~~assist in the~~
2 court in matters affecting the family nor a partner may appear in any action affecting
3 the family in any court held in the county in which the family circuit court
4 commissioner is acting, except when authorized to appear by s. 767.14. In case the
5 circuit court commissioner or a partner shall be in any way interested in such action,
6 the presiding judge shall appoint some reputable attorney to ~~perform the services~~
7 enjoined upon ~~such family the circuit court commissioner and such~~. The appointed
8 attorney, shall take and file the oath and receive the compensation
9 provided by law.
10

History: 1979 c. 32 ss. 50, 92 (4); 1979 c. 176; 1979 c. 352 s. 39; Stats. 1979 s. 767.16.

11

insert 82-6:

SECTION 26. 813.025 (1) of the statutes is amended to read:

313.025 (1) No circuit or supplemental court commissioner ~~shall~~ may issue any
14 injunction or order suspending or restraining the enforcement or execution of any
15 statute of the state or of any order of an administrative officer, board, department,
16 commission or other state agency purporting to be made pursuant to the statutes of
17 the state. If so issued ~~such~~ the injunction or order shall be void.
18

History: Sup. Ct. Order, 67 W (2d) 585,760 (1975); Stats. 1975 s. 813.025; 1979 c. 111; 1983 a. 204.

19

insert 88-6

SECTION 27. 813.122 (3) (a) of the statutes is amended to read:

813.122 (3) (a) Procedure for an action under this section is in 2 parts. First,
22 if the petitioner requests a temporary restraining order, the court or circuit court
23 commissioner shall issue or refuse to issue that order. Second, the court shall hold
24

22

1 a hearing under sub. (5) on whether to issue an injunction, which is the final relief.
2 If the court or circuit court commissioner issues a temporary restraining order, the
3 order shall set forth the date for the hearing on an injunction. If the court or circuit
4 court commissioner does not issue a temporary restraining order, the date for the
5 hearing shall be set upon motion by either party.

6 History: 1985 a. 234; 1987 a. 332 s. 64; Sup. Ct. Order, 151 W (2d) xxv (1989); 1991 a. 276; 1993 a. 227, 318; 1995 a. 71, 275, 306, 456; 1997 a. 292.
7 **SECTION 28.** 813.122 (3) (b) ^(intro.) of the statutes is amended to read: ^{or} *this or her*

8 813.122 (3) (b) ^(intro.) The court or circuit court commissioner, on its own motion or
the motion of any party, may order one or more of the following:

- 9 1. That a guardian ad litem be appointed for the child victim in accordance with
- 10 s. 48.235.
- 11 2. That all persons, other than the parties, their attorneys, witnesses, child
- 12 victim advocates, service representatives, as defined in s. 895.73 (1) (c), court
- 13 personnel and any guardian ad litem, be excluded from any hearing under this
- 14 section.
- 15 3. That access to any record of an action under this section be available only
- 16 to the parties, their attorneys, any guardian ad litem, court personnel and any
- 17 applicable court upon appeal.

18 History: 1985 a. 234; 1987 a. 332 s. 64; Sup. Ct. Order, 151 W (2d) xxv (1989); 1991 a. 276; 1993 a. 227,318; 1995 a. 71, 275, 306, 456; 1997 a. 292.
SECTION 29. 813.122 (3) (bm) of the statutes is amended to read:
19 813.122 (3) (bm) The court or circuit court commissioner shall appoint a
20 guardian ad litem if the respondent is a parent of the child.

21 History: 1985 a. 234; 1987 a. 332 s. 64; Sup. Ct. Order, 151 W (2d) xxv (1989); 1991 a. 276; 1993 a. 227,318; 1995 a. 71, 275, 306, 456; 1997 a. 292.
SECTION 30. 813.122 (4) (a) (intro.) of the statutes is amended to read:
22 813.122 (4) (a) (intro.) A judge or circuit court commissioner shall issue a
23 temporary restraining order ordering the respondent to avoid the child **victim's**
24 residence or any premises temporarily occupied by the child victim or both, and to

1 avoid contacting or causing any person other than a party's attorney to contact the
2 child victim unless the petitioner consents in writing and the judge or circuit court
3 commissioner agrees that the contact is in the best interests of the child victim, if all
4 of the following occur:

5 History: 1985 a. 234; 1987 a. 332 s. 64; Sup. Ct. Order, 151 W (2d) xxv (1989); 1991 a. 276; 1993 a. 227,318; 1995 a. 71, 275, 306, 456; 1997 a. 292.

SECTION 31. 813.122 (4) (a) 1. of the statutes is amended to read:

6 813.122 (4) (a) 1. The petitioner submits to the judge or circuit court
7 commissioner a petition alleging the elements set forth under sub. (6) (a).

8 History: 1985 a. 234; 1987 a. 332 s. 64; Sup. Ct. Order, 151 W (2d) xxv (1989); 1991 a. 276; 1993 a. 227,318; 1995 a. 71, 275, 306, 456; 1997 a. 292.

SECTION 32. 813.122 (4) (a) 2. of the statutes is amended to read:

9 813.122 (4) (a) 2. The judge or circuit court commissioner finds reasonable
10 grounds to believe that the respondent has engaged in, or based on prior conduct of
11 the child victim and the respondent may engage in, abuse of the child victim.

12 History: 1985 a. 234; 1987 a. 332 s. 64; Sup. Ct. Order, 151 W (2d) xxv (1989); 1991 a. 276; 1993 a. 227,318; 1995 a. 71, 275, 306, 456; 1997 a. 292.

SECTION 33. 813.122 (5m) (a) 2. of the statutes is amended to read:

13 813.122 (5m) (a) 2. Except as provided in par. (ag), require the respondent to
14 surrender any firearms that he or she owns or has in his or her possession to the
15 sheriff of the county in which the action under this section was commenced, to the
16 sheriff of the county in which the respondent resides or to another person designated
17 by the respondent and approved by the judge or circuit court commissioner. e
18 judge or circuit court commissioner shall approve the person designated by the
19 respondent unless the judge or circuit court commissioner finds that the person is
20 inappropriate and places the reasons for the finding on the record. If a firearm is
21 surrendered to a person designated by the respondent and approved by the judge or
22 circuit court commissioner, the judge or circuit court commissioner shall inform the

1 person to whom the firearm is surrendered of the requirements and penalties under
2 s. 941.29 (4).

History: 1985 a. 234; 1987 a. 332 s. 64; Sup. Ct. Order, 151 W (2d) xxv (1989); 1991 a. 227, 318; 1993 a. 227, 318; 1995 a. 71, 275, 306, 456; 1997 a. 292.

3 **SECTION 34. 813.122 (5m) (b) (intro.) of the statutes is amended to read:**

4 813.122 (5m) (b) (intro.) A firearm surrendered under par. (a) 2. may not be
5 returned to the respondent until a judge or circuit court commissioner determines
6 all of the following:

History: 1985 a. 234; 1987 a. 332 s. 64; Sup. Ct. Order, 151 W (2d) xxv (1989); 1991 a. 276; 1993 a. 227, 318; 1995 a. 71, 275, 306, 456; 1997 a. 292.

7 **SECTION 35. 813.122 (5m) (b) 2. of the statutes is amended to read:**

8 813.122 (5m) (b) 2. That the person is not prohibited from possessing a firearm
9 under any state or federal law or by the order of any federal court or state court, other
10 than an order from which the judge or circuit court commissioner is competent to
11 grant relief.

History: 1985 a. 234; 1987 a. 332 s. 64; Sup. Ct. Order, 151 W (2d) xxv (1989); 1991 a. 276; 1993 a. 227, 318, 1995 a. 71, 275, 306, 456; 1997 a. 292.

12 **SECTION 36. 813.122 (9) (a) of the statutes is amended to read:**

13 813.122 (9) (a) If an order is issued under this section, upon request by the
14 petitioner, the court or circuit court commissioner, as applicable, shall order the
15 sheriff to assist in executing or serving the temporary restraining order or
16 injunction.

History: 1985 a. 234; 1987 a. 332 s. 64; Sup. Ct. Order, 151 W (2d) xxv (1989); 1991 a. 276; 1993 a. 227, 318; 1995 a. 71, 275, 306, 456; 1997 a. 292.

17 **SECTION 37. 813.123 (3) (a) of the statutes is amended to read:**

18 813.123 (3) (a) Procedure for an action under this section is in 2 parts. First,
19 if the petitioner requests a temporary restraining order, the court or circuit court
20 commissioner shall issue or refuse to issue that order. Second, the court shall hold
21 a hearing under sub. (5) on whether to issue an injunction, which is the final relief.
22 If the court or circuit court commissioner issues a temporary restraining order, the
23 order shall set forth the date for the hearing on an injunction. If the court or circuit

1 court commissioner does not issue a temporary restraining order, the date for the
2 hearing shall be set upon motion by either party

3 History: 1993 a. 445; 1995 a. 71,306; 1997 a. 27.

SECTION 38. 813.123 (3) (b) (intro.) of the statutes is amended to read:

4 813.123 (3) (b) (intro.) The court or circuit court commissioner, on its or his or
5 her own motion or the motion of any party, may order one or more of the following:

6 History: 1993 a. 445; 1995 a. 71,306; 1997 a. 27.

SECTION 39. 813.123 (4) (a) of the statutes is amended to read:

7 813.123 (4) (a) Unless the vulnerable adult, guardian or guardian ad litem
8 consents in writing and the judge or circuit court commissioner agrees that the
9 contact is in the best interests of the vulnerable adult, a judge or circuit court
10 commissioner shall issue a temporary restraining order ordering the respondent to
11 avoid interference with an investigation of the vulnerable adult under s. 55.043, the
12 delivery of protective services to the vulnerable adult under s. 55.05 or a protective
13 placement of the vulnerable adult under s. 55.06 if all of the following occur:

- 14 1. The petitioner submits to the judge or circuit court commissioner a petition
15 alleging the elements set forth under sub. (6).
- 16 2. The judge or circuit court commissioner finds reasonable grounds to believe
17 that the respondent has interfered with, or based on prior conduct of the respondent
18 may interfere with, an investigation of the vulnerable adult under s. 55.043, the
19 delivery of protective services to the vulnerable adult under s. 55.05 or a protective
20 placement of the vulnerable adult under s. 55.06.

21 History: 1993 a. 445; 1995 a. 71,306; 1997 a. 27.

SECTION 40. 813.123 (8) (a) of the statutes is amended to read:

1 813.123 (8) (a) If an order is issued under this section, upon request by the
2 petitioner, the court or circuit court commissioner shall order the sheriff to assist in
3 executing or serving the temporary restraining order or injunction.

History: 1993 a. 445; 1995 a 71,306; 1997 a. 27.

4 **SECTION 41.** 813.125 (3) (a) (in&.) of the statutes is amended to read:

5 813.125 (3) (a) (intro.) A judge or circuit court commissioner may issue a
6 temporary restraining order ordering the respondent to cease or avoid the
7 harassment of another person, if all of the following occur:

History: 1983 a. 336; 1991 a. 39,194; 1995 a. 71,306.

8 **SECTION 42.** 813.125 (3) (a) 2. ✓ of the statutes is amended to read:

9 813.125 (3) (a) 2. The judge or circuit court commissioner finds reasonable
10 grounds to believe that the respondent has violated s. 947.013.

History: 1983 a. 336; 1991 a. 39,194; 1995 a. 71,306.

11 **SECTION 43.** 813.125 (3) (c) ✓ of the statutes is amended to read:

12 813.125 (3) (c) The temporary restraining order is in effect until a hearing is
13 held on issuance of an injunction under sub. (4). A judge or circuit court
14 commissioner shall hold a hearing on issuance of an injunction within 7 days after
15 the temporary restraining order is issued, unless the time is extended upon the
16 written consent of the parties or extended once for 7 days upon a finding that the
17 respondent has not been served with a copy of the temporary restraining order
18 although the petitioner has exercised due diligence.

History: 1983 a. 336; 1991 a. 39,194; 1995 a. 71,306.

19 **SECTION 44.** 813.125 (4) (a) (intro.) ✓ of the statutes is amended to read:

20 813.125 (4) (a) (intro.) A judge or circuit court commissioner may grant an
21 injunction ordering the respondent to cease or avoid the harassment of another
22 person, if all of the following occur:

History: 1983 a. 336; 1991 a. 39,194; 1995 a. 71,306.

23 **SECTION 45.** 813.125 (4) (a) 2. ✓ of the statutes is amended to read:

1 813.125 (4) (a) 2. The petitioner serves upon the respondent a copy of a
 2 restraining order obtained under sub. (3) and notice of the time for the hearing on
 3 the issuance of the injunction under sub. (3) (c). The restraining order or notice of
 4 hearing served under this subdivision shall inform the respondent that, if the judge
 5 or circuit court commissioner issues an injunction, the judge or circuit court
 6 commissioner may also order the respondent not to possess a firearm while the
 7 injunction is in effect.

History: 1983 a. 336; 1991 a. 39,194; 1995 a. 71,306.

8 **SECTION 46.** 813.125 (4) (a) 3. ^J of the statutes is amended to read:

9 813.125 (4) (a) 3. After hearing, the judge or circuit court commissioner finds
 10 reasonable grounds to believe that the respondent has violated s. 947.013.

History: 1983 a. 336; 1991 a. 39,194; 1995 a. 71,306.

11 **SECTION 47.** 813.125 (4m) (a) [✓] of the statutes is amended to read:

12 813.125 (4m) (a) If a judge or circuit court commissioner issues an injunction
 13 under sub. (4) and the judge or circuit court commissioner determines, based on clear
 14 and convincing evidence presented at the hearing on the issuance of the injunction,
 15 that the respondent may use a firearm to cause physical harm to another or to
 16 endanger public safety, the judge or circuit court commissioner may prohibit the
 17 respondent from possessing a firearm.

History: 1983 a. 336; 1991 a. 39,194; 1995 a. 71,306.

18 **SECTION 48.** 813.125 (4m) (c) 2. [✓] of the statutes is amended to read:

19 813.125 (4m) (c) 2. Except as provided in par. (cg), require the respondent to
 20 surrender any firearms that he or she owns or has in his or her possession to the
 21 sheriff of the county in which the action under this section was commenced, to the
 22 sheriff of the county in which the respondent resides or to another person designated
 23 by the respondent and approved by the judge or circuit court commissioner. e
 24 judge or circuit court commissioner shall approve the person designated by the

1 respondent unless the judge or circuit court commissioner finds that the person is
2 inappropriate and places the reasons for the finding on the record. If a firearm is
3 surrendered to a person designated by the respondent and approved by the judge or
4 circuit court commissioner, the judge or circuit court commissioner shall inform the
5 person to whom the firearm is surrendered of the requirements and penalties under
6 s. 941.29 (4).

7 History: 1983 a. 336; 1991 a. 39,194; 1995 a. 71, 306.

7 **SECTION 49.** 813.125 (4m) (d) (intro.) of the statutes is amended to read:

8 813.125 (4m) (d) (intro.) A firearm surrendered under par. (c) 2. may not be
9 returned to the respondent until a judge or circuit court commissioner determines
10 all of the following:

11 History: 1983 a. 336; 1991 a. 39,194; 1995 a. 71,306.

11 **SECTION 50.** 813.125 (4m) (d) 2. of the statutes is amended to read:

12 813.125 (4m) (d) 2. That the person is not prohibited from possessing a firearm
13 under any state or federal law or by the order of any federal court or state court, other
14 than an order from which the judge or circuit court commissioner is competent to
15 grant relief.

16 History: 1983 a. 336; 1991 a. 39,194; 1995 a. 71, 306.

16 **SECTION 51.** 813.125 (5) (am) of the statutes is amended to read:

17 813.125 (5) (am) The petition shall inform the respondent that, if the judge or
18 circuit court commissioner issues an injunction, the judge or circuit court
19 commissioner may also order the respondent not to possess a firearm while the
20 injunction is in effect.

History: 1983 a. 336; 1991 a. 39,194; 1995 a. 71,306.

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