



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0137/P1

RPN: hmh

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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Today ASAP

WFO:  
check all  
pages for  
changes.

Gen Cat.

1 **AN ACT** to repeal 48.065, 753.175, 757.68 (2) (title), 757.68 (3), (4) and (5) (title),  
2 757.69 (6), 757.72 (2), 757.72 (3), 757.72 (6), 757.72 (7), 757.72 (8), 757.81 (2),  
3 767.13 (title), (1), (2), (3), (4) and (6), 767.17, 799.206 and 814.68; to renumber  
4 and amend 757.68 (2), 757.68 (5), 757.69 (1) (g), 757.69 (3), 757.69 (4) and (5),  
5 757.69 (7), 757.695, 757.72 (5), 767.13 (5) (a), 767.13 (5) (b), 767.13 (5) (c) and  
6 767.13 (7); to amend 13.24 (1), 19.01 (4) (c), 20.445 (3) (cb), 40.08 (9m), 46.03  
7 (3), 48.208 (4), 48.21 (1) (a), 48.21 (1) (b), 48.21 (4) (intro.), 48.21 (7), 48.227 (4)  
8 (a), 48.30 (9), 48.32 (l), 48.32 (2) (a), 48.32 (6), 49.25 (8) (b), 49.852 (3), 49.854  
9 (2) (c), 49.854 (3) (ag) 2., 49.854 (3) (ar), 49.854 (3) (b), 49.854 (5) (f), 49.854 (6)  
10 (c), 49.854 (7) (c), 49.854 (7m), 49.855 (3), 49.855 (4m) (b), 49.856 (4), 49.857 (2)  
11 (c) l., 49.857 (3) (ac), 49.857 (3) (ar), 49.858 (3), 51.10 (4m) (d), 51.20 (1) (c), 51.45  
12 (12) (b) (intro.), 51.45 (12) (c) (intro.), 51.45 (12) (c) l., 51.45 (13) (dm), 59.37,  
13 59.64 (1) (c) (title), 1. (intro.) and 2., 59.64 (1) (d) (intro.), 59.64 (1) (d) 1. (intro.),  
14 59.64 (1) (e), 59.64 (1) (f), 59.79 (5), 63.03 (2) (z), 69.15 (3m) (a) 3. and 4., 75.43,  
15 101.02 (5) (c), 103.005 (5) (c), 133.10 (1), 133.11 (1), 133.11 (3), 171.04 (1), 171.05;

1 171.06, 196.24 (2), 563.71 (1) (a), 563.71 (1) (c), 757.24, 757.30 (2), 757.68 (title),  
2 757.69 (title), 757.69 (1) (b), 757.69 (2) (intro.), 757.69 (2) (a), 757.70 (2), 757.72  
3 (title), 757.72 (l), 757.81 (6), 757.85 (1) (a), 757.85 (1) (b), 757.85 (3), 757.85 (4),  
4 757.85 (5), 757.87 (l), 757.89, 757.93 (1) (a), 757.93 (1) (b), 757.93 (2), 757.93 (4)  
5 (a), 757.95, 757.99, 765.11 (l), 765.11 (2), 765.16 (5), 767.045 (1) (c) (intro.),  
6 767.081 (title), 767.081 (l), 767.083 (2), 767.085 (1) (i), 767.085 (1) (j) (intro.),  
7 767.087 (1) (b), 767.087 (1) (c), 767.087 (2), 767.11 (1) (c), 767.11 (5) (a), 767.11  
8 (5) (b), 767.11 (6), 767.11 (13), 767.115 (1) (a), 767.115 (1) (b), 767.115 (lm),  
9 767.115 (2), 767.12 (1), 767.125, 767.14, 767.145 (1), 767.15 (1), 767.16, 767.23  
10 (1) (intro.), 767.23 (1) (a), 767.23 (1) (am), 767.23 (1m), 767.23 (In), 767.25 (4m)  
11 (f) 2., 767.265 (l), 767.265 (2h), 767.265 (2r), 767.267 (l), 767.267 (5), 767.27 (2),  
12 767.29 (1) (c), 767.29 (1) (d) (intro.), 767.29 (1) (d) 2., 767.29 (1) (e), 767.29 (lm)  
13 (b), 767.29 (3) (a), 767.29 (3) (b), 767.293 (l), 767.293 (2), 767.293 (3), 767.32 (1)  
14 (a), 767.327 (2) (c), 767.33 (2), 767.37 (1) (a), 767.37 (2), 767.45 (5) (b), 767.455  
15 (5), 767.458 (1m), 767.46 (1), 767.463, 767.465 (2) (a), 767.51 (3m) (f) 2., 767.62  
16 (2) (b), 767.62 (3) (b), 767.62 (4) (a), 767.62 (4) (b) 2., 767.62 (4) (b) 3. a., 767.62  
17 (4) (b) 3. b., 767.62 (4) (b) 4. (intro.), 767.62 (4) (b) 4. c., 767.62 (4) (b) 5. a., 767.62  
18 (4) (b) 6. b., 767.62 (4) (d) l., 767.62 (4) (d) 2., 767.62 (4) (e) (intro.), 767.62 (4)  
19 (e) 14., 767.62 (4) (f), 769.102, 769.302, 782.01 (3), 782.03, 782.28, 799.05 (7)  
20 (intro.), 799.06 (l), 799.11 (3), 799.20 (4), 799.207 (title), 799.207 (1) (a), 799.207  
21 (1) (b), 799.207 (1) (e), 799.207 (2) (intro.), 799.207 (3) (b), 799.209 (1) to (4),  
22 799.21 (3) (b), 799.21 (4), 799.24 (l), 799.24 (3), 799.26 (l), 807.04 (l), 807.09 (1),  
23 812.30 (2), 813.025 (l), 813.12 (2) (a), 813.12 (2) (b), 813.12 (3) (a), 813.12 (3)  
24 (am), 813.12 (3) (c), 813.12 (3) (d), 813.12 (4) (a) (intro.), 813.12 (4) (a) 3., 813.12  
25 (4) (am), 813.12 (4) (b), 813.12 (4m) (a) 2., 813.12 (4m) (b) (intro.), 813.12 (4m)

1 (b) 2., 813.12 (5) (c), 813.12 (6) (a), 813.12 (7m), 813.122 (3) (a), 813.122 (3) (b)  
2 (intro.), 813.122 (3) (bm), 813.122 (4) (a) (intro.), 813.122 (4) (a) l., 813.122 (4)  
3 (a) 2., 813.122 (5m) (a) 2., 813.122 (5m) (b) (intro.), 813.122 (5m) (b) 2., 813.122  
4 (9) (a), 813.123 (3) (a), 813.123 (3) (b) (intro.), 813.123 (4) (a), 813.123 (8) (a),  
5 813.125 (3) (a) (intro.), 813.125 (3) (a) 2., 813.125 (3) (c), 813.125 (4) (a) (intro.),  
6 813.125 (4) (a) 2., 813.125 (4) (a) 3., 813.125 (4m) (a), 813.125 (4m) (c) 2., 813.125  
7 (4m) (d) (intro.), 813.125 (4m) (d) 2., 813.125 (5) (am), 814.615 (3), 816.03 (1) (b),  
8 816.035 (1) and (2), 818.02 (6), 879.61, 885.10, 885.12, 887.26 (7), 898.02,  
9 898.04, 898.11, 906.15 (1), 906.15 (2) (d), 906.15 (3), 911.01 (1), 938.065 (title),  
10 938.065 (l), 938.065 (2) (intro.), 938.065 (3) (intro.), 938.065 (4), 938.208 (4),  
11 938.21 (1) (a), 938.21 (1) (b), 938.21 (2) (c), 938.21 (4) (intro.), 938.21 (4m),  
12 938.21 (7), 938.24 (5), 938.245 (3), 938.30 (9), 938.32 (1) (a), 938.32 (l), 938.32  
13 (lg) (intro.), 938.32 (lm) (intro.) and (a), 938.32 (lt) (a) 1., 938.32 (lt) (a) lm.,  
14 938.32 (lt) (a) 3., 938.32 (lv), 938.32 (lx), 938.32 (2) (a), 938.32 (6), 940.203 (1)  
15 (b), 943.013 (1) (b), 967.07, 971.20 (3) (a), 973.20 (13) (c) 4., 977.05 (6) (b) 2.,  
16 979.05 (1), 979.05 (4), 979.05 (5), 979.05 (6), 979.06 (1), 979.06 (2), 979.06 (3),  
17 979.06 (4) (intro.), 979.06 (5), 979.08 (1), 979.08 (3) (intro.), 979.08 (6), 979.08  
18 (7) and 979.09; **to repeal and recreate** 17.16 (l), 757.68 (l), 757.69 (1) (intro.),  
19 757.69 (1) (k), 757.72 (4), 979.05 (2) and 979.05 (3); and **to create** 753.36 (title),  
20 757.01 (4), 757.68 (2m), 757.68 (3m), 757.68 (4m), 757.69 (1) (g) 8. to 15., 757.69

1 (1m) and 757.69 (2m) of the statutes; **relating** to: powers, responsibilities and  
2 appointment of court commissioners.

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***Analysis by the Legislative Reference Bureau***

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

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

3 **SECTION 1.** 13.24 (1) of the statutes is amended to read:

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

11 **SECTION 2.** 17.16 (1) of the statutes is repealed and recreated to read:

12 17.16 (1) Removals from office at pleasure shall be made by order, a copy of  
13 which shall be filed as provided by sub. (8), except that a copy of the order of removal  
14 of a circuit court commissioner shall be filed in the office of the clerk of the circuit  
15 court.

16 **SECTION 3.** 19.01 (4) (c) of the statutes is amended to read:

17 19.01 (4) (c) In the office of the clerk of the circuit court for any county: Of all  
18 circuit and supplemental court commissioners, ~~of all family court commissioners,~~ of  
19 all municipal judges, and of all other judges or judicial officers elected or appointed  
20 for that county, or whose jurisdiction is limited thereto;



1           48.208 (4) Probable cause exists to believe that the child, having been placed  
2 in nonsecure custody by an intake worker under s. 48.207 (1) or by the judge or  
3 juvenile circuit court commissioner under s. 48.21 (4), has run away or committed  
4 a delinquent act and no other suitable alternative exists.

5           **SECTION 9.** 48.21 (1) (a) of the statutes is amended to read:

6           48.21 (1) (a) If a child who has been taken into custody is not released under  
7 s. 48.20, a hearing to determine whether the child shall continue to be held in custody  
8 under the criteria of ss. 48.205 to 48.209 shall be conducted by the judge or juvenile  
9 circuit court commissioner within 48 hours of the time the decision to hold the child  
10 was made, excluding Saturdays, Sundays and legal holidays. By the time of the  
11 hearing a petition under s. 48.25 shall be filed, except that no petition need be filed  
12 where a child is taken into custody under s. 48.19 (1) (b) or (d) 2. or 7. or where the  
13 child is a runaway from another state, in which case a written statement of the  
14 reasons for holding a child in custody shall be substituted if the petition is not filed.  
15 If no hearing has been held within 48 hours, excluding Saturdays, Sundays and legal  
16 holidays, or if no petition or statement has been filed at the time of the hearing, the  
17 child shall be released except as provided in par. (b). A parent not present at the  
18 hearing shall be granted a rehearing upon request.

19           **SECTION 10.** 48.21 (1) (b) of the statutes is amended to read:

20           **48.21 (1) (b)** If no petition has been filed by the time of the hearing, a child may  
21 be held in custody with approval of the judge or juvenile circuit court commissioner  
22 for an additional 72 hours from the time of the hearing, excluding Saturdays,  
23 Sundays and legal holidays, only if, as a result of the facts brought forth at the  
24 hearing, the judge or juvenile circuit court commissioner determines that probable  
25 cause exists to believe that the child is an imminent danger to himself or herself or

1 to others, that probable cause exists to believe that the parent, guardian or legal  
2 custodian of the child or other responsible adult is neglecting, refusing, unable or  
3 unavailable to provide adequate supervision and care or, if the child is an expectant  
4 mother who was taken into custody under s. 48.19 (1) (cm) or (d) 8., that probable  
5 cause exists to believe that there is a substantial risk that if the child expectant  
6 mother is not held, the physical health of the unborn child, and of the child when  
7 born, will be seriously affected or endangered by the child expectant mother's  
8 habitual lack of self-control in the use of alcohol beverages, controlled substances or  
9 controlled substance analogs, exhibited to a severe degree, and to believe that the  
10 child expectant mother is refusing or has refused to accept any alcohol or other drug  
11 abuse services offered to her or is not making or has not made a good faith effort to  
12 participate in any alcohol or other drug abuse services offered to her. The extension  
13 may be granted only once for any petition. In the event of failure to file a petition  
14 within the extension period provided for in this paragraph, the judge or juvenile  
15 circuit court commissioner shall order the child's immediate release from custody.

16 **SECTION 11.** 48.21 (4) (intro.) of the statutes is amended to read:

17 **48.21 (4) CONTINUATION OF CUSTODY.** (intro.) If the judge or juvenile circuit court  
18 commissioner finds that the child should be continued in custody under the criteria  
19 of s. 48.205, he or she shall enter one of the following orders:

20 **SECTION 12.** 48.21 (7) of the statutes is amended to read:

21 **48.21 (7) INFORMAL DISPOSITION.** If the judge or juvenile circuit court  
22 commissioner determines that the best interests of the child and the public are  
23 served or, in the case of a child expectant mother who has been taken into custody  
24 under s. 48.19 (1) (cm) or (d) 8., that the best interests of the unborn child and the  
25 public are served, he or she may enter a consent decree under s. 48.32 or order the

1 petition dismissed and refer the matter to the intake worker for informal disposition  
2 in accordance with s. 48.245.

3 **SECTION 13.** 48.227 (4) (a) of the statutes is amended to read:

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

11 **SECTION 14.** 48.30 (9) of the statutes is amended to read:

12 48.30 (9) If a circuit court commissioner conducts the plea hearing and accepts  
13 an admission of the alleged facts in a petition brought under s. 48.13, or 48.133, the  
14 judge shall review the admission at the beginning of the ~~dispositional~~ hearing by  
15 addressing the parties and making the inquiries set forth in sub. (8).

16 **SECTION 15.** 48.32 (1) of the statutes is amended to read:

17 48.32 (1) At any time after the filing of a petition for a proceeding relating to  
18 s. 48.13 or 48.133 and before the entry of judgment, the judge or ~~juvenile~~ circuit court  
19 commissioner may suspend the proceedings and place the child or expectant mother  
20 under supervision in the home or present placement of the child or expectant mother.  
21 The court may establish terms and conditions applicable to the child and the child's  
22 parent, guardian or legal custodian, to the child expectant mother and her parent,  
23 guardian or legal custodian or to the adult expectant mother The order under this  
24 section shall be known as a consent decree and must be agreed to by the child if 12  
25 years of age or older, the parent, guardian or legal custodian, and the person filing



1 the petition under s. 48.25; by the child expectant mother, her parent, guardian or  
2 legal custodian, the unborn child by the unborn child's guardian ad litem and the  
3 person filing the petition under s. 48.25; or by the adult expectant mother, the unborn  
4 child by the unborn child's guardian ad litem and the person filing the petition under  
5 s. 48.25. The consent decree shall be reduced to writing and given to the parties.

6 **SECTION 16.** 48.32 (2) (a) of the statutes is amended to read:

7 48.32 (2) (a) A consent decree shall remain in effect up to 6 months unless the  
8 child, parent, guardian, legal custodian or expectant mother is discharged sooner by  
9 the judge or juvenile circuit court commissioner.

10 **SECTION 17.** 48.32 (6) of the statutes is amended to read:

11 48.32 (6) The judge or juvenile circuit court commissioner shall inform the child  
12 and the child's parent, guardian or legal custodian, or the adult expectant mother,  
13 in writing, of the right of the child or expectant mother to object to the continuation  
14 of the consent decree under sub. (3) and the fact that the hearing under which the  
15 child or expectant mother was placed on supervision may be continued to conclusion  
16 as if the consent decree had never been entered.

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

18 49.25 (8) (b) From the appropriation under s. 20.445 (3) (cb), the department  
19 shall provide funds to Milwaukee county to fund an additional family circuit court  
20 commissioner to assist the court in matters affecting the family.

21 **SECTION 19.** 49.852 (3) of the statutes is amended to read:

22 49.852 (3) If a person has requested a hearing pursuant to sub. (2) (b), the  
23 hearing shall be conducted before the circuit court that rendered the initial order to  
24 pay support. The court shall schedule a hearing within 10 business days after  
25 receiving a request for a hearing. The family circuit court commissioner may conduct

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

14 **SECTION 20.** 49.854 (2) (c) of the statutes is amended to read:

15 *49.854 (2) (c) Updating the statewide support lien docket.* The department shall  
16 update the statewide support lien docket in response to orders issued by a court or  
17 ~~family circuit court commissioner.~~ shall periodically update the  
18 statewide support lien docket to reflect changes in the amounts of the liens contained  
19 in the docket.

20 **SECTION 21.** 49.854 (3) (ag) 2. of the statutes is amended to read:

21 49.854 (3) (ag) 2. If the obligor disagrees with the determination of the  
22 department, the obligor may request a hearing with the court or a ~~family circuit~~ court  
23 commissioner to review the department's determination. To request a hearing under  
24 this subdivision, the obligor shall make the request within 5 business days of the date  
25 of the department's determination under subd. 1. The obligor shall make the request

1 in writing and shall mail or deliver a copy of the request to the county child support  
2 agency. If a timely request for a hearing is made under this subdivision, the court  
3 or family circuit court commissioner shall hold the hearing within 15 business days  
4 of the request. If, at the hearing, the obligor establishes that the lien is not proper  
5 because of a mistake of fact, the court or family circuit court commissioner shall order  
6 the department to remove the lien from the statewide support lien docket or adjust  
7 the amount of the delinquent obligation.

8 SECTION 22. 49.854 (3) (ar) of the statutes is amended to read:

9 **49.854 (3) (ar) *Direct appeal.*** If the obligor has not requested a financial  
10 records and court order review under par. (ag), the obligor may request a hearing  
11 under this paragraph within 20 business days of the date of the notice under par. (a).  
12 The obligor shall make the request in writing and shall mail or deliver a copy of the  
13 request to the county child support agency. If a timely request for a hearing is made  
14 under this paragraph, the court or family circuit court commissioner shall schedule  
15 a hearing within 10 days after the date of the request. If, at the hearing, the obligor  
16 establishes that the lien is not proper because of a mistake of fact, the court or family  
17 circuit court commissioner shall order the department to remove the lien from the  
18 statewide support lien docket or adjust the amount of the delinquent obligation.

19 SECTION 23. 49.854 (3) (b) of the statutes is amended to read:

20 **49.854 (3) (b) *Appeal.*** If a family circuit court commissioner conducts a hearing  
21 under par. (ag) or (ar), the department or the obligor may, within 15 business days  
22 after the date of the decision by the family circuit court commissioner, request review  
23 of the decision by the court having jurisdiction over the action. The court conducting  
24 the review may order that the lien be withdrawn from the statewide support lien  
25 dockets or may order an adjustment of the amount of the delinquent obligation. If

1 no appeal is sought or if the court does not order the withdrawal of the lien, the  
2 department may take appropriate actions to enforce the lien.

3 **SECTION 24.** 49.854 (5) (f) of the statutes is amended to read:

4 *49.854 (5) (f) Hearings.* A hearing requested under par. (d) 6. shall be  
5 conducted before the circuit court rendering the order to pay support. Within 45  
6 business days after receiving a request for hearing under par. (d) 6., the court shall  
7 conduct the hearing. ~~The family~~ A circuit court commissioner may conduct the  
8 hearing. The hearing shall be limited to a review of whether the account holder owes  
9 the amount of support certified and whether any alternative payment arrangement  
10 offered by the department or the county child support agency is reasonable. If the  
11 court or ~~family circuit~~ family circuit court commissioner makes a written determination that an  
12 alternative payment arrangement offered by the department or county child support  
13 agency is not reasonable, the court or ~~family circuit~~ family circuit court commissioner may order  
14 an alternative payment arrangement. If the court or ~~family circuit~~ family circuit court  
15 commissioner orders an alternative payment arrangement, the court or ~~family~~  
16 circuit court commissioner shall order the department to release all or a portion of  
17 the funds. If the court or ~~family circuit~~ family circuit court commissioner determines that the  
18 account holder does not owe support or owes less than the amount claimed by the  
19 department, the court shall order the department to return the seized funds or the  
20 excess of the seized funds over the amount of the delinquency to the account holder.  
21 If a ~~family circuit~~ family circuit court commissioner conducts the hearing under this paragraph,  
22 the department or the obligor may, within 15 business days after the date that the  
23 ~~family circuit~~ family circuit court commissioner makes his or her decision, request review of the  
24 decision by the court with jurisdiction over the action.

25 **SECTION 25.** 49.854 (6) (c) of the statutes is amended to read:

1           **49.854 (6) (c) Hearing.** If a hearing is requested under par. (b) 4., the court or  
2 ~~family circuit~~ court commissioner shall schedule a hearing within 10 business days  
3 after receiving the request under par. (b) 4. The hearing shall be limited to a review  
4 of whether the obligor owes the amount of support owed that is stated in the notice  
5 of seizure and whether any alternative payment arrangement offered by the  
6 department or the county child support agency is reasonable. If the court or ~~family~~  
7 ~~circuit~~ court commissioner makes a written determination that an alternative  
8 payment arrangement offered by the department or county child support agency 'is  
9 not reasonable, the court or ~~family circuit~~ court commissioner may order an  
10 alternative payment arrangement. If the court or ~~family circuit~~ court commissioner  
11 orders an alternative payment arrangement, the court or ~~family circuit~~ court  
12 commissioner shall order the department to return the seized property within 15  
13 business days. If the court or ~~family circuit~~ court commissioner determines that the  
14 obligor does not owe support or owes less than the amount claimed by the  
15 department, the court shall order the department to return the seized property  
16 within 15 business days or specify the amount which may be retained by the  
17 department after the sale of the seized property. If a ~~family circuit~~ court  
18 commissioner conducts the hearing under this paragraph, the department or the  
19 obligor may, within 15 business days after the date that the ~~family circuit~~ court  
20 commissioner makes his or her decision, request review of the decision by the court  
21 with jurisdiction over the action. The court reviewing the decision may order the  
22 department to return the seized property or may authorize the sale of the property  
23 by the department. If the department is ordered to return seized property under this  
24 paragraph, the court shall instruct any state agency responsible for titling the

1 property that it may transfer title to the property without receiving instructions from  
2 a court or the department under par. (a).

3 **SECTION 26.** 49.854 (7) (c) of the statutes is amended to read:

4 49.854 (7) (c) Hearing. If a hearing is requested under par. (b) 1. c., the court  
5 or family circuit court commissioner shall schedule a hearing within 10 business  
6 days after receiving the request under par. (b) 1. c. The hearing shall be limited to  
7 a review of whether the obligor owes the amount of support owed that is stated in the  
8 notice of intent under par. (b) and whether any alternative payment arrangement  
9 offered by the department or the county child support agency is reasonable. If the  
10 court or family circuit court commissioner makes a written determination that an  
11 alternative payment arrangement offered by the department or county child support  
12 agency is not reasonable, the court or family circuit court commissioner may order  
13 an alternative payment arrangement. If the court or family circuit court  
14 commissioner orders an alternative payment arrangement, the court or family  
15 circuit court commissioner shall order the department not to proceed with the levy.  
16 If the court or family circuit court commissioner determines that the obligor does not  
17 owe support or owes less than the amount claimed by the department, the court shall  
18 order the department not to proceed with the levy or specify the amount that may  
19 be retained by the department after the sale of the seized property. If a family circuit  
20 court commissioner conducts the hearing under this paragraph, the department or  
21 the obligor may, within 15 business days after the date that the family circuit court  
22 commissioner makes his or her decision, request review of the decision by the court  
23 with jurisdiction over the action. The court reviewing the decision may order the  
24 department not to proceed with the levy of the property or may authorize the sale of  
25 the property by the department.

1           **SECTION 27.** 49.854 (7m) of the statutes is amended to read:

2           **49.854 (7m)** JOINTLY HELD PROPERTY. A person, other than the obligor, who holds  
3 a joint interest in property levied against under this section may request a hearing,  
4 as provided in subs. (5) (d) ~~6m.~~, (6) (b) ~~3m.~~ or (7) (b) 1. d., to determine the proportion  
5 of the value of the property that is attributable to his or her net contribution to the  
6 property. If a hearing is requested under this subsection, the court or ~~family~~ family circuit  
7 court commissioner shall schedule a hearing within 10 days after receiving the  
8 request. The hearing shall be limited to determining the proportion of the value of  
9 the property that is attributable to the person's net contribution to the property. If  
10 more than one person requests a hearing under this subsection, or if the obligor  
11 requests a hearing under sub. (5) (f), (6) (c) or (7) (c), with respect to the same  
12 property, the court or ~~family~~ family circuit court commissioner may schedule the hearings  
13 together. The person requesting the hearing shall have the burden of proving his or  
14 her net contribution by clear and convincing evidence. If the court determines that  
15 a portion of the jointly held property is attributable to the contributions of the person,  
16 the court shall direct the department or the county child support agency to pay the  
17 person, from the net balance of the jointly held account or the net proceeds of the sale  
18 of the jointly held real or personal property, the proportion of the gross value of the  
19 account or real or personal property that is attributable to that person. If the ~~family~~  
20 circuit court commissioner conducts the hearing under this subsection, the person  
21 may, within 15 business days after the date that the ~~family~~ family circuit court  
22 commissioner makes his or her decision, request review of the decision by the court  
23 with jurisdiction over the action.

24           **SECTION 28.** 49.855 (3) of the statutes, as affected by 1997 Wisconsin Act 237,  
25 section 210, is amended to read:

1           49.855 (3) Receipt of a certification by the department of revenue shall  
2 constitute a lien, equal to the amount certified, on any state tax refunds or credits  
3 owed to the obligor. The lien shall be foreclosed by the department of revenue as a  
4 setoff under s. 71.93 (3), (6) and (7). When the department of revenue determines  
5 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the  
6 obligor that the state intends to reduce any state tax refund or credit due the obligor  
7 by the amount the obligor is delinquent under the support or maintenance order, by  
8 the outstanding amount for past support, medical expenses or birth expenses under  
9 the court order or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall  
10 provide that within 20 days the obligor may request a hearing before the circuit court  
11 rendering the order. Within 10 days after receiving a request for hearing under this  
12 subsection, the court shall set the matter for hearing. Pending further order by the  
13 court or family circuit court commissioner, the department of workforce development  
14 or its designee, whichever is appropriate, is prohibited from disbursing the obligor's  
15 state tax refund or credit. The family circuit court commissioner may conduct the  
16 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  
18 money withheld from a tax refund or credit shall be paid to the obligor or held for  
19 future support or maintenance. An obligor may, within 20 days of receiving notice  
20 that the amount certified shall be withheld from his or her federal tax refund or  
21 credit, request a hearing under this subsection.

22           **SECTION 29.** 49.855 (4m) (b) of the statutes, as affected by 1997 Wisconsin Act  
23 237, section 212, is amended to read:

24           49.855 (4m) (b) The department of revenue may provide a certification that it  
25 receives under sub. (1), (2m) or (2p) to the department of administration. Upon



1 receipt of the certification, the department of administration shall determine  
2 whether the obligor is a vendor or is receiving any other payments from this state,  
3 except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s.  
4 45.351 (1), this chapter or ch. 46, 108 or 301. If the department of administration  
5 determines that the obligor is a vendor or is receiving payments from this state,  
6 except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s.  
7 45.351 (1), this chapter or ch. 46, 108 or 301, it shall begin to withhold the amount  
8 certified from those payments and shall notify the obligor that the state intends to  
9 reduce any payments due the obligor by the amount the obligor is delinquent under  
10 the support or maintenance order, by the outstanding amount for past support,  
11 medical expenses or birth expenses under the court order or by the amount due under  
12 s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days after receipt  
13 of the notice the **obligor** may request a hearing before the circuit court rendering the  
14 order. An obligor may, within 20 days after receiving notice, request a hearing under  
15 this paragraph. Within 10 days after receiving a request for hearing under this  
16 paragraph, the court shall set the matter for hearing. The ~~family circuit~~ court  
17 commissioner may conduct the hearing. Pending further order by the court or ~~family~~  
18 circuit court commissioner, the department of workforce development or its designee,  
19 whichever is appropriate, may not disburse the payments withheld from the obligor.  
20 The sole issues at the hearing are whether the obligor owes the amount certified and,  
21 if not and it is a support or maintenance order, whether the money withheld shall be  
22 paid to the obligor or held for future support or maintenance.

23 **SECTION 30.** 49.856 (4) of the statutes is amended to read:

24 49.856 (4) If the obligor requests a hearing under sub. (3) (b), the circuit court  
25 shall schedule a hearing within 10 business days after receiving the request. The

1 only issue at the hearing shall be whether the person owes the delinquent payment  
2 or outstanding amount specified in the statewide support lien docket under s. 49.854  
3 (2) (b). A ~~family circuit~~ court commissioner may conduct the hearing.

4 **SECTION 31.** 49.857 (2) (c) 1. of the statutes is amended to read:

5 49.857 (2) (c) 1. The system shall provide for adequate notice to an individual  
6 who is delinquent in making court-ordered payments of support, an opportunity for  
7 the individual to make alternative arrangements for paying the delinquent support,  
8 an opportunity for the individual to request and obtain a hearing before a court or  
9 ~~family circuit~~ court commissioner as provided in sub. (3) and prompt reinstatement  
10 of the individual's license upon payment of the delinquent support or upon making  
11 satisfactory alternative payment arrangements.

12 **SECTION 32.** 49.857 (3) (ac) of the statutes is amended to read:

13 49.857 (3) (ac) 1. If an individual timely requests a hearing under par. (a) 5.,  
14 the court shall schedule a hearing within 10 business days after receiving the  
15 request. The ~~family circuit~~ court commissioner may conduct the hearing. The only  
16 issues at the hearing shall be whether the individual is delinquent in making  
17 court-ordered payments of support and whether any alternative payment  
18 arrangement offered by the department of workforce development or the county child  
19 support agency is reasonable.

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

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

8           **SECTION 33. 49.857 (3) (ar)** of the statutes is amended to read:

9           49.857 (3) (ar) 1. If an individual timely requests a hearing under par. (am) 5.,  
10 the court shall schedule a hearing within 10 business days after receiving the  
11 request. The family circuit court commissioner may conduct the hearing. The only  
12 issues at the hearing shall be whether the individual is delinquent in making  
13 court-ordered payments of support and whether any alternative payment  
14 arrangement offered by the department of workforce development or the county child  
15 support agency is reasonable.

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

22           3. If at a hearing under subd. 1, the court or family circuit court commissioner  
23 makes a written determination that alternative payment arrangements proposed by  
24 the department of workforce development or a child support agency are not  
25 reasonable, the court or family circuit court commissioner may order for the-

1 individual an alternative payment arrangement. If the court or ~~family circuit~~ court  
2 commissioner orders an alternative payment arrangement, the department of  
3 workforce development may not place the individual's name on a certification list.

4 **SECTION 34.** 49.858 (3) of the statutes is amended to read:

5 49.858 (3) **REVIEW OF ~~FAMILY CIRCUIT~~ COURT COMMISSIONER DECISIONS.** If a ~~family~~  
6 ~~circuit~~ court commissioner conducts a hearing in any administrative support  
7 enforcement proceeding under s. 49.852, 49.856 or 49.857, the department of  
8 workforce development or the obligor may, within 15 business days after the date  
9 that the ~~family circuit~~ court commissioner makes his or her decision, request review  
10 of the decision by the court with jurisdiction over the matter.

11 **SECTION 35.** 51.10 (4m) (d) of the statutes is amended to read:

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

22 **SECTION 36.** 51.20 (1) (c) of the statutes is amended to read:

23 51.20 (1) (c) The petition shall contain the names and mailing addresses of the  
24 petitioners and their relation to the subject individual, and shall also contain the  
25 names and mailing addresses of the individual's spouse, adult children, parents or

1 guardian, custodian, brothers, sisters, person in the place of a parent and person  
2 with whom the individual resides or lives. If this information is unknown to the  
3 petitioners or inapplicable, the petition shall so state. The petition may be filed in  
4 the court assigned to exercise probate jurisdiction for the county where the subject  
5 individual is present or the county of the individual's legal residence. If the judge of  
6 the court or a circuit court commissioner who handles probate matters is not  
7 available, the petition may be filed and the hearing under sub. (7) may be held before  
8 a judge or circuit court commissioner of any circuit court for the county. e  
9 purposes of this chapter, duties to be performed by a court shall be carried out by the  
10 judge of the court or a circuit court commissioner of the court who is ~~an attorney and~~  
11 ~~is~~ designated by the chief judge to so act, in all matters prior to a final hearing under  
12 this section. The petition shall contain a clear and concise statement of the facts  
13 which constitute probable cause to believe the allegations of the petition. The  
14 petition shall be sworn to be true. If a petitioner is not a petitioner having personal  
15 knowledge as provided in par. (b), the petition shall contain a statement providing  
16 the basis for his or her belief.

\*\*\*\*NOTE: Should the chief judge do the designating?

17 **SECTION 37. 51.45 (12) (b) (intro.)** of the statutes is amended to read:

18 51.45 (12) (b) (intro.)> The physician, spouse, guardian or a relative of the person  
19 sought to be committed, or any other responsible person, may petition a circuit court  
20 commissioner or the circuit court of the county in which the person sought to be  
21 committed resides or is present for commitment under this subsection. The petition  
22 shall:

23 **SECTION 38. 51.45 (12) (c) (intro.)** of the statutes is amended to read:

1           51.45 (12)(c) (intro.) Upon receipt of a petition under par. (b), the circuit court  
2 commissioner or court shall:

3           **SECTION 39.** 51.45 (12) (c) 1. of the statutes is amended to read:

4           51.45 (12) (c) 1. Determine whether the petition and supporting affidavits  
5 sustain the grounds for commitment and dismiss the petition if the grounds for  
6 commitment are not sustained thereby. If the grounds for commitment are sustained  
7 by the petition and supporting affidavits, the court or circuit court commissioner  
8 shall issue an order temporarily committing the person to the custody of the county  
9 department pending the outcome of the preliminary hearing under sub. (13) (d).

10          **SECTION 40.** 51.45 (13) (dm) of the statutes is amended to read:

11          51.45 (13) (dm) For the purposes of this section, duties to be performed by a  
12 court shall be carried out by the judge of such court or a circuit court commissioner  
13 of such court who is ~~an attorney and is~~ designated by the chief judge to so act, in all  
14 matters prior to a final hearing under this subsection.

      \*\*\*\*NOTE: Should the chief judge do the designating?

15          **SECTION 41.** 59.37 of the statutes is amended to read:

16          **59.37 Service when no coroner.** Whenever there is a vacancy in the office  
17 of coroner, or when the coroner is absent from the county, sick or unable to perform  
18 the duties of that office, or for any reason, except the nonpayment of legal fees,  
19 refuses to serve and execute legal process against the sheriff in any action  
20 commenced in any court of record within the county for which the coroner was or  
21 should have been elected, any judge of a court of record or circuit court commissioner  
22 of the county may, on proof of the vacancy, sickness, absence or refusal to serve and  
23 execute such process, by an order to be endorsed on such process and addressed to  
24 him or her, empower any citizen of the county in which such process is to be served

1 and executed to serve and execute the same; and that order shall be sufficient  
2 authority to the person therein named to serve and execute such process with like  
3 powers, liabilities and fees as the coroner.

4 SECTION 42. 59.64 (1) (c) (title), 1. (intro.) and 2. of the statutes are amended  
5 to read:

6 59.64 (1) (c) (title) *Of circuit and supplemental court commissioners.* 1. (intro.)  
7 ~~Court~~ Circuit and supplemental court commissioners shall, on or before the first  
8 Monday of November in each year, forward to the clerk of their respective counties  
9 a correct statement of all actions or proceedings had before them, during the  
10 immediately preceding year, in which the county became liable for costs. The  
11 statement shall include all of the following:

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

18 SECTION 43. 59.64 (1) (d) (intro.) of the statutes is amended to read:

19 59.64 (1) (d) *Of court officers; certification; audit by district attorney; waiver.*  
20 (intro.) Fees of officers, in any action or proceeding before a circuit or sunplemental  
21 court commissioner, shall be certified to and allowed by the board in the following  
22 manner:

23 SECTION 44. 59.64 (1) (d) 1. (intro.) of the statutes is amended to read:

24 59.64 (1) (d) 1. (intro.) At least 10 days before the annual meeting of the board,  
25 every circuit and sunplemental court commissioner shall make and file with the clerk

1 a certified statement of all actions or proceedings had or tried before him or her  
2 within the year next preceding the date of the statement in which the state was a  
3 party and in which the county became liable for the fees of officers who appeared on  
4 the part of either the state or a defendant. The statement shall include all of the  
5 following:

6 SECTION 45. 59.64 (1) (e) of the statutes is amended to read:

7 **59.64 (1) (e) Fees for statements and certificates.** Every circuit or supplemental  
8 court commissioner shall receive from the treasurer \$1 per page for making  
9 statements and returns required by par. (c) and \$1 for making each certificate  
10 required by par. (d). All such statements and certificates shall be transmitted to the  
11 clerk by certified mail and for transmitting the statements and certificates the circuit  
12 ~~or supplemental~~ court commissioner shall receive \$1.

13 SECTION 46. 59.64 (1) (f) of the statutes is amended to read:

14 **59.64 (1) (f) ~~Cou~~Circuit and supplemental court commissioners.** The board  
15 at any session thereof may as provided in par. (d) 2. examine and allow any  
16 statement, account or claim of any circuit or supplemental court commissioner which  
17 is on file with the clerk before the opening of the session of the board.

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

18 SECTION 47. 59.79 (5) of the statutes is amended to read:

19 **59.79 (5) FEE FOR CERTAIN MARRIAGE CEREMONIES.** Enact an ordinance imposing  
20 a fee to be paid in advance to the clerk for each marriage ceremony performed by a  
21 judge or a circuit or supplemental court commissioner specified in s. 765.16 (5) in the  
22 courthouse, safety building or children's court center during hours when any office



1 in those public buildings is open for the transaction of business. The amount of the  
2 fee shall be determined by the board.

3 **SECTION 48.** 63.03 (2) (z) of the statutes is amended to read:

4 63.03 (2) (z) ~~Full-time Circuit~~ court commissioners under s. 757.68 (1). Any  
5 person aualified and acting as a court commissioner on August 1, 1978. shall be  
6 considered a circuit court commissioner and shall continue in the classified county  
7 civil service but any person annointed as a court commissioner after August 1,1978,  
8 shall be in the unclassified civil service.

9 **SECTION 49.** 69.15 (3m) (a) 3. and 4. of the statutes are amended to read:

10 69.15 (3m) (a) 3. Except as provided in subd. 4, the person rescinding the  
11 statement files the document under subd. 2. before the day on which a court or ~~family~~  
12 circuit court commissioner makes an order in an action affecting the family involving  
13 the man who signed the statement and the child who is the subject of the statement  
14 or before 60 days elapse after the statement was filed, whichever occurs first.

15 4. If the person rescinding the statement was under age 18 when the statement  
16 was filed, the person files the document under subd. 2. before the day on which a  
17 court or ~~family~~ circuit court commissioner makes an order in an action affecting the  
18 family involving the man who signed the statement as the father of the registrant  
19 and the child who is the subject of the statement or before 60 days elapse after the  
20 person attains age 18, whichever occurs first.

21 **SECTION 50.** 75.43 of the statutes is amended to read:

22 **75.43 Election to receive deposit; costs.** The county may, at any time  
23 within 20 days after receiving an answer showing that a deposit has been made by  
24 any defendant or defendants as provided in s. 75.42, give notice to such defendant  
25 or defendants that it elects to receive such deposit and that it will, at a time specified

1 in such notice, apply to the clerk of the circuit court, circuit judge or a circuit court  
2 commissioner to adjust the costs and disbursements which said defendant or  
3 defendants ought to pay, and that upon the payment of the costs and disbursements  
4 so adjudged the county will release to such defendant or defendants all right, title  
5 and claim which it has to the parcel or parcels of land on account of which ~~such the~~  
6 deposit is made by virtue of any deed made for the nonpayment of taxes; and unless  
7 ~~such the~~ costs are paid within 20 days after the same shall have been so adjusted the  
8 clerk of the court shall, upon presentation of an affidavit showing the: nonpayment  
9 thereof, enter judgment therefor in favor of the county and against the defendant,  
10 which shall be enforced as other money judgments.

11 **SECTION 51.** 101.02 (5) (c) of the statutes is amended to read:

12 101.02 (5) (c) In the discharge of his or her duties such agent shall have every  
13 power of an inquisitorial nature granted in this subchapter to the department, the  
14 same powers as a sunplemental court commissioner with regard to the taking of  
15 depositions and all powers granted by law to a sunplemental court commissioner  
16 relative to depositions.

17 **SECTION 52.** 103.005 (5) (c) of the statutes is amended to read:

18 103.005 (5) (c) In the discharge of his or her duties such agent shall have every  
19 power of an inquisitorial nature granted in chs. 103 to 106 to the department, the  
20 same powers as a sunplemental court commissioner with regard to the taking of  
21 depositions and all powers granted by law to a sunplemental court commissioner  
22 relative to depositions.

23 **SECTION 53.** 133.10 (1) of the statutes is amended to read:

24 133.10 (1) The examination of any party, or if a corporation or limited liability  
25 company be a party, of the president, secretary, other principal officer or the general

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

11 **SECTION 54.** 133.11 (1) of the statutes is amended to read:

12 133.11 (1) Whenever the attorney general files with any circuit or  
13 supplemental court commissioner a statement that the attorney general has reason  
14 to believe and does believe that a violation of this chapter has occurred, the  
15 commissioner shall issue a subpoena or a subpoena requiring the production of  
16 materials as requested by the department of justice. Mileage or witness fees are not  
17 required to be paid in advance but claims for such mileage and fees duly verified and  
18 approved by the department of justice shall be audited and paid out of the state  
19 treasury and charged to the appropriation provided by s. 20.455 (1) (d), and shall be  
20 at the same rates as witnesses in the circuit court.

21 **SECTION 55.** 133.11 (3) of the statutes is amended to read:

22 133.11 (3) The commissioner shall be entitled to the fees as provided in s.  
23 ~~814.68 (1)~~ 753.36 (6). All such fees and all other costs and expenses incident to the  
24 inquiry shall be paid out of the appropriation provided by s. 20.455 (1) (d).

25 **SECTION 56.** 171.04 (1) of the statutes is amended to read:

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

11           **SECTION 57.** 171.05 of the statutes is amended to read:

12           **171.05 Perishable property, held otherwise, how disposed of.** If any  
13 property is perishable or subject to decay by keeping, the person in whose custody  
14 the property is, the person's agent or attorney, may make an affidavit of this fact and  
15 present the affidavit to a circuit judge or circuit court commissioner for the county  
16 in which the property is located, and the judge or circuit court commissioner shall  
17 immediately make an order requiring the sheriff or any constable of the county to  
18 immediately inspect the property, and if it is found to be perishable or subject to  
19 decay by keeping, to make and return an affidavit of this fact. Upon the return of  
20 this affidavit, the judge or circuit court commissioner making the order shall  
21 immediately issue an order requiring the sheriff or constable to sell the property at  
22 public auction, giving notice of the time and place of the sale by publication of a class  
23 1 notice, under ch. 985, and serving upon the consignor, the consignee and the  
24 custodian of the property, if they are known, a copy of the notice by mail. The sheriff  
25 or constable shall, at the time and place fixed by the notice, unless the property has

1 been otherwise lawfully disposed of, sell the property at public auction, and shall  
2 make full return of his or her execution of the order, and return the same with an  
3 inventory of the property and the proceeds of the sale, after deducting his or her fees,  
4 to the judge or circuit court commissioner making the order. From the proceeds of  
5 the sale, the judge or circuit court commissioner shall pay all legal charges that have  
6 been incurred in relation to the property, or a ratable proportion of each charge, if the  
7 proceeds of the sale are not sufficient to pay all the charges; and the balance, if any,  
8 the judge or circuit court commissioner shall immediately pay over to the treasurer  
9 of the county, with a copy of all the proceedings in the matter. The county treasurer  
10 shall file the copy in his or her office. The person in whose custody the property is  
11 when the proceedings for the sale were commenced, shall immediately notify the  
12 consignor and consignee of the sale, in writing which shall be served by leaving a copy  
13 with the consignor and consignee personally or by mail.

14 **SECTION 58.** 171.06 of the statutes is amended to read:

15 **171.06 Unclaimed property, how disposed of.** When any property is not  
16 perishable or subject to decay and is not claimed and taken away within one year  
17 after it was received, it may be sold as follows: The person in whose custody the  
18 property is, or the person's agent or attorney, may make an affidavit of the facts and  
19 present the same to a judge or circuit court commissioner of the county in which the  
20 property is located and such judge or circuit court commissioner shall immediately  
21 issue an order requiring the sheriff or any constable of the county to sell the property  
22 at public auction, giving 60 days' notice of the time and place of the sale to the  
23 consignor, the consignee and the custodian of the property. This notice shall be in  
24 writing and served personally or by mail upon the persons whose names and  
25 residences are known. If the name or residence of any of the persons is unknown and

1 cannot be ascertained with reasonable diligence, the sheriff or constable shall make  
2 an affidavit of this fact and shall publish a class 3 notice, under ch. 985, in the county.  
3 At the time and place of the sale the sheriff or constable shall sell the property at  
4 public auction and shall make a full return of the sheriff's or constable's proceedings  
5 under the order to the judge or circuit court commissioner issuing the order, together  
6 with proof of service or publication of the notice of the sale, and an inventory of the  
7 property sold and the proceeds of the sale after deducting the sheriff's or constable's  
8 fees. From the proceeds of the sale the judge or circuit court, commissioner shall pay  
9 all legal charges that have been incurred in relation to the property, including the  
10 charges of the person in whose custody the property was when the proceedings were  
11 begun, or a ratable proportion of each charge if the proceeds of the sale are not  
12 sufficient to pay all of the charge - c, ~~if any, the~~ The judge or circuit  
13 court commissioner shall immediately pay any balance remaining over to the  
14 treasurer of his or her county, with a copy of all proceedings in the matter. The county  
15 treasurer shall file the copy in his or her office. The person in whose custody the  
16 property is when any proceeding for the sale is commenced? shall immediately notify  
17 the consignor and consignee of the sale, in writing, and served by leaving a copy  
18 thereof with the consignor and consignee, personally or by mail.

19 **SECTION 59.** 196.24 (2) of the statutes is amended to read:

20 196.24 (2) In the discharge of his or her duties, an agent appointed under sub.  
21 (1) shall have any inquisitional power granted to the commission and the power of  
22 a supplemental court commissioner to take depositions under s. ~~757.69 (3)~~ 753.36 (2)  
23 (b).

24 **SECTION 60.** 563.71 (1) (a) of the statutes is amended to read::

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

9           **SECTION 61.** 563.71 (1) (c) of the statutes is amended to read:

10           563.71 (1) (c) The commissioner shall be entitled to the fees under s. ~~814.68 (1)~~  
11 753.36 (6). All such fees and all other costs and expenses incident to such inquiry  
12 shall be paid out of the appropriation under s. 20.455 (1) (d).

13           **SECTION 62.** 753.175 of the statutes is repealed.

14           **SECTION 63.** 753.36 (title) of the statutes is created to read:

15           753.36 (title) **Supplemental court commissioners.**

16           **SECTION 64.** 757.01 (4) of the statutes is created to read:

17           757.01 (4) To exercise any of the powers and duties of a circuit court  
18 commissioner.

19           **SECTION 65.** 757.24 of the statutes is amended to read:

20           **757.24 Liability of judicial officers.** Circuit judges and circuit court  
21 commissioners shall be held personally liable to any party injured for any wilful  
22 violation of the law in granting injunctions and appointing receivers, or for refusing  
23 to hear motions to dissolve injunctions and to discharge receivers if the motions are  
24 made in accordance with law or such rules as are promulgated by the supreme court.

25           **SECTION 66.** 757.30 (2) of the statutes is amended to read:

1           757.30 (2) Every person who appears as agent, representative or attorney, for  
2 or on behalf of any other person, or any firm, partnership, association or corporation  
3 in any action or proceeding in or before any court of record, circuit or supplemental  
4 court commissioner, or judicial tribunal of the United States, or of any state, or who  
5 otherwise, in or out of court, for compensation or pecuniary reward gives professional  
6 legal advice not incidental to his or her usual or ordinary business, or renders any  
7 legal service for any other person, or any firm, partnership, association or  
8 corporation, shall be deemed to be practicing law within the meaning of this section.

9           **SECTION 67.** 757.68 (title) of the statutes is amended to read:

10           757.68 (title) ~~Court~~ Circuit court commissioners.

11           **SECTION 68.** 757.68 (1) of the statutes is repealed and recreated to read:

12           -757.68 (1) In every county organized for judicial purposes, the county board  
13 shall establish the office of family court commissioner and the number of circuit court  
14 commissioner positions necessary for the efficient administration of judicial  
15 business within the circuit courts of the county. The circuit court commissioners may  
16 be full-time or part-time. Each circuit court commissioner shall take and file the  
17 official oath in the office of the clerk of the circuit court of the county for which  
18 appointed before performing any duty of the office. Chapter 75 of the: supreme court  
19 rules shall govern the qualifications for, and appointment, supervision, training,  
20 evaluation and discipline of, circuit court commissioners. The chief judge of the  
21 judicial administrative district shall appoint a circuit court commissioner as the  
22 family court commissioner to supervise the office of family court commissioner.

23           **SECTION 69.** 757.68 (2) (title) of the statutes is repealed.

24           **SECTION 70.** 757.68 (2) of the statutes is renumbered 753.36 (1) and amended  
25 to read:



1           753.36 (1) In each county the circuit judges shall appoint. such number of  
2 ~~part-time sunnlemental~~ court commissioners as the proper transaction of business  
3 requires ~~subject to the following exception; except that~~ in counties having a  
4 population of 200,000 or more each judge may appoint not more than 2 ~~such~~  
5 ~~supplemental~~ commissioners ~~and in counties having a population of less than~~  
6 ~~200,000 each judge shall, as nearly as possible, appoint an equal number of~~  
7 ~~commissioners within the county.~~ In all counties the appointments shall be subject  
8 to the approval of a majority of the circuit judges for the county. Appointments shall  
9 be in writing and shall be filed in the office of the clerk of the circuit court. All  
10 ~~supplemental~~ court commissioners appointed after May 16, 1978, ~~other than official~~  
11 ~~court reporters acting under s. 814.68 (1) (b) performing duties or exercising powers~~  
12 ~~specified for court reporters,~~ shall be attorneys licensed to practice in this state. The  
13 appointing judge may remove, at will and without cause, any ~~sunnlemental~~ court  
14 commissioner appointed by the judge or the judge's predecessor in office. Unless he  
15 or she is so removed, the term of each ~~supplemental~~ court commissioner shall  
16 continue until the expiration of the term of the appointing judge  
17 ~~successor of the commissioner is appointed and qualified.~~ Each ~~supplemental~~ court  
18 commissioner shall take and file the official oath in the office of clerk of the circuit  
19 court of the county for which appointed before performing any duty of the office.

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

21           757.68 (2m) In counties having a population of 500,000 or more, at least one  
22 full-time circuit court commissioner position shall be established to assist in the  
23 administration of actions under ch. 799.

24           **SECTION 72.** 757.68 (3), (4) and (5) (title) of the statutes are repealed.

25           **SECTION 73.** 757.68 (3m) of the statutes is created to read:

1           757.68 (3m) The county board shall set the salary of persons appointed as  
2 circuit or supplemental court commissioners. The county board shall furnish circuit  
3 court commissioners with necessary office space, furnishings and supplies and  
4 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?

5           **SECTION 74.** 757.68 (4m) of the statutes is created to read:

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

14           **SECTION 75.** 757.68 (5) of the statutes is renumbered 753.36 (6) and amended  
15 to read:

16           753.36 (6) ~~Part-time Supplemental~~ court commissioners appointed under sub.  
17 (2) (1) shall collect the reasonable fees ~~prescribed in s. 814.68 (1) established by rule~~  
18 under s. 753.35.

19           **SECTION 76.** 757.69 (title) of the statutes is amended to read:

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

21           **SECTION 77.** 757.69 (1) (intro.) of the statutes is repealed and recreated to read:

1           757.69 (1) (intro.) An order under SCR 75.02 appointing a circuit court  
2 commissioner shall confer all of the powers and duties of a circuit court commissioner  
3 allowed under state law or shall specify the duties that a circuit court commissioner  
4 may perform. A circuit court commissioner may:

5           **SECTION 78.** 757.69 (1) (b) of the statutes is amended to read:

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

18           **SECTION 79.** 757.69 (1) (g) of the statutes is renumbered 757.69 (1) (g) (intro.)  
19 and amended to read:

20           757.69 (1) (g) (intro.) When assigned to the court assigned jurisdiction under  
21 chs. 48 and 938, ~~a court commissioner may, under ch. 48 or 938, issue:~~

22           1. Issue summonses and warrants, ~~order,~~

23           2. Order the release or detention of children or expectant mothers of unborn  
24 children taken into custody, ~~conduct,~~

25           3. Conduct detention and shelter care hearings, ~~conduct,~~

1 4. Conduct preliminary appearances, ~~conduct,~~

2 5. Conduct uncontested proceedings under ss. 48.13, 48.133, 938.12, 938.13 and  
3 938.18, ~~enter,~~

4 ~~6. Enter~~ into consent decrees.

5 7. Exercise the powers and perform the duties specified in par. (j) or (m),  
6 whichever is applicable, in proceedings under s. 813.122 or 81.3.125 in which the  
7 respondent is a child. ~~Contested waiver hearings under s. 938.13 and dispositional~~  
8 ~~hearings under ss. 48.335 and 938.335 shall be conducted by a judge. When acting~~  
9 ~~in an official capacity and assigned to the children's court center, a court~~  
10 ~~commissioner shall sit at the children's court center or such other facility designated~~  
11 ~~by the chief judge. Any decision by the commissioner shall be reviewed by the judge~~  
12 ~~of the branch of court to which the case has been assigned, upon motion of any party.~~  
13 ~~Any determination, order or ruling by the commissioner may be certified to the~~  
14 ~~branch of court to which such case has been assigned upon a motion of any party for~~  
15 ~~a hearing de novo.~~

16 SECTION 80. 757.69 (1) (g) 8. to 15. of the statutes is created to read:

17 757.69 (1) (g) 8. Conduct hearings under s. 48.21 or 938.21 and thereafter order  
18 a child or juvenile held in or released from custody.

19 9. Conduct hearings under s. 48.213 and thereafter order an adult expectant  
20 mother of an unborn child to be held in or released from custody.

21 10. Conduct plea hearings.

22 11. Enter into consent decrees.

23 12. Conduct prehearing conferences.

24 ~~13. Issue orders requiring compliance with deferred prosecution agreements.~~

25 14. Conduct all proceedings on petitions or citations under s. 938.125.

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15. Conduct uncontested proceedings under s. 938.12, 938.13 or 938.18.

**SECTION 81.** 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 82.** 757.69 (1m) of the statutes is created to read:

757.69 (1m) (a) Circuit court commissioners assigned to a court assigned to exercise 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 ordering dispositions in uncontested proceedings under s. 48.13, 48.133, 938.12 or 938.13.
- 3. Conduct hearing for the termination of parental rights or for adoptions.
- 4. Make changes in placements of children, of 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 in uncontested proceedings under s. 48.13, 48.133, 938.12 or 938.13.
- 5. Conduct hearings, 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 a 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           **SECTION 83.** 757.69 (2) (intro.) of the statutes is amended to read:

8           757.69 (2) (intro.) A judge may refer to a circuit court commissioner appointed  
9 under s. ~~48.065, 757.68, 757.72, 767.13 or 938.065~~ (1) and ~~750R~~ cases in which:

10          **SECTION 84.** 757.69 (2) (a) of the statutes is amended to read:

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

14          **SECTION 85.** 757.69 (2m) of the statutes is created to read:

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

17          **SECTION 86.** 757.69 (3) of the statutes is renumbered 753.36 (2), and 753.36 (2)  
18 (intro.) and (g), as renumbered, are amended to read:

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

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

24          **SECTION 87.** 757.69 (4) and (5) of the statutes are renumbered 753.36 (3) and  
25 (4) and amended to read:

1           753.36 (3) In addition to the duties expressly set forth in sub. ~~(3)~~ (2) (a) to ~~(e)~~  
2           (i), a supplemental court commissioner may perform other ministerial duties as  
3           required by a court.

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

6           SECTION 88. 757.69 (6) of the statutes is repealed.

7           SECTION 89. 757.69 (7) of the statutes is renumbered 753.36 (5) and amended  
8           to read:

9           753.36 (5) A gunnlemental court commissioner shall refer to a court of record  
10          for appropriate action every alleged showing of contempt in the carrying out of the  
11          lawful decisions of the supplemental court i o n e r .

12          SECTION 90. 757.695 of the statutes is renumbered 799.08, and 799.08 (intro.),  
13          as renumbered, is amended to read:

14          **799.08 ~~Court Circuit court~~ commissioners; small claims matters.**

15          (intro.) ~~If a~~ A circuit court commissioner ~~has been appointed under s. 757.68 (1) (b)~~  
16          authorized to assist in the administration of ~~small claims matters, the commissioner~~  
17          matters under this chanter shall conduct the hearings and proceedings as prescribed  
18          by ~~ch. 799 this chanter~~ and shall ~~have the following additional duties and authority:~~

19          SECTION 91. 757.70 (2) of the statutes is amended to read:

20          757.70 (2) All hearings before a circuit or sunnlemental court commissioner  
21          shall be held in the county courthouse or other court facilities provided by law. This  
22          provision does not apply to nontestimonial proceedings, supplementary hearings on  
23          the present financial status of a debtor under s. ~~757.69 (3)~~ 753.36 (2) (h) or  
24          depositions taken before a circuit or sunnlemental court commissioner.

25          SECTION 92. 757.72 (title) of the statutes is amended to read:

1           757.72 (title) ~~Office of probate~~ **Circuit court commissioner in probate**  
2 **matters.**

3           **SECTION 93.** 757.72 (1) of the statutes is amended to read:

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

10          **SECTION 94.** 757.72 (2) of the statutes is repealed.

11          **SECTION 95.** 757.72 (3) of the statutes is repealed.

12          **SECTION 96.** 757.72 (4) of the statutes is repealed and recreated to read:

13          757.72 (4) Circuit court commissioners assisting in probate matters shall be  
14 appointed under SCR 75.02 (1) and are subject to chapter 75 of the supreme court  
15 rules.

16          **SECTION 97.** 757.72 (5) of the statutes is renumbered 851.73 (1) (g) and amended  
17 to read:

18          851.73 (1) (g) ~~The register in probate of a county shall~~ **Shall** have the duties and  
19 powers of a ~~circuit court commissioner assigned to assist in probate matters~~ and shall  
20 act in that capacity when designated to do so by a judge assigned probate jurisdiction.

21          **SECTION 98.** 757.72 (6) of the statutes is repealed.

22          **SECTION 99.** 757.72 (7) of the statutes is repealed.

23          **SECTION 100.** 757.72 (8) of the statutes is repealed.

24          **SECTION 101.** 757.81 (2) of the statutes is repealed.

25          **SECTION 102.** 757.81 (6) of the statutes is amended to read:



1           **757.81 (6)** "Permanent disability" means a physical or mental incapacity which  
2           impairs the ability of a judge or circuit or sunnlemental court commissioner to  
3           substantially perform the duties of his or her judicial office and which is or is likely  
4           to be of a permanent or continuing nature.

5           SECTION 103. 757.85 (1) (a) of the statutes is amended to read:

6           757.85 (1) (a) The commission shall investigate any possible misconduct or  
7           permanent disability of a judge or circuit or supplemental court commissioner.  
8           Misconduct constitutes cause under article VII, section 11, of the constitution.  
9           Except as provided in par. (b), judges, circuit or sunnlemental court commissioners,  
10          clerks, court reporters, court employes and attorneys shall comply with requests by  
11          the commission for information, documents and other materials relating to an  
12          investigation under this section.

13          SECTION 104. 757.85 (1) (b) of the statutes is amended to read:

14          757.85 (1) (b) The judge or circuit or sunnlemental court commissioner who is  
15          under investigation is not subject to the request procedure under par. (a) but is  
16          subject to the subpoena procedure under sub. (2).

17          SECTION 105, 757.85 (3) of the statutes is amended to read:

18          757.85 (3) The commission may notify a judge or circuit or supplemental court  
19          commissioner that the commission is investigating possible misconduct by or  
20          permanent disability of the judge or circuit or sunnlemental court commissioner.  
21          Before finding probable cause, the commission shall notify the judge or circuit or  
22          supplemental court commissioner of the substance of the complaint or petition and  
23          afford the judge or circuit or supplemental court commissioner a reasonable  
24          opportunity to respond. If the judge or circuit or sunnlemental court commissioner  
25          responds, the commission shall consider the response before it finds probable cause.

1 SECTION 106. 757.85 (4) of the statutes is amended to read:

2 757.85 (4) The commission may require a judge or circuit or sup&mental court  
3 commissioner who is under investigation for permanent disability to submit to a  
4 medical examination arranged by the commission.

5 SECTION 107. 757.85 (5) of the statutes is amended to read:

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

13 SECTION 108. 757.87 (1) of the statutes is amended to read:

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

23 SECTION 109. 757.89 of the statutes is amended to read:

24 **757.89 Hearing.** A record shall be kept of any hearing on a formal complaint  
25 or a petition. The allegations of the complaint or petition must be proven to a

1 reasonable certainty by evidence that is clear, satisfactory and convincing. The  
2 hearing shall be held in the county where the judge or circuit or supplemental court  
3 commissioner resides unless the presiding judge changes venue for cause shown or  
4 unless the parties otherwise agree. If the hearing is by a panel, the panel shall make  
5 findings of fact, conclusions of law and recommendations regarding appropriate  
6 discipline for misconduct or appropriate action for permanent disability and file the  
7 findings, conclusions and recommendations with the supreme court. If a jury  
8 hearing is requested under s. 757.87 (1), the presiding judge shall instruct the jury  
9 regarding the law applicable to judicial misconduct or permanent disability, as  
10 appropriate. The presiding judge shall file the jury verdict and his or her  
11 recommendations regarding appropriate discipline for misconduct or appropriate  
12 action for permanent disability with the supreme court.

13 **SECTION 110.** 757.93 (1) (a) of the statutes is amended to read:

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

20 **SECTION 111.** 757.93 (1) (b) of the statutes is amended to read:

2 1 757.93 (1) (b) Any person who provides information to the commission  
22 concerning possible misconduct or permanent disability may request that the  
23 commission not disclose his or her identity to the judge or circuit or sunplemental  
24 court commissioner prior to the filing of a petition or a formal complaint by the  
25 . commission.

1           **SECTION 112.** 757.93 (2) of the statutes is amended to read:

2           757.93 (2) If prior to the filing of a formal complaint or a petition an  
3 investigation of possible misconduct or permanent disability becomes known to the  
4 public, the commission may issue statements in order to confirm the pendency of the  
5 investigation, to clarify the procedural aspects of the disciplinary proceedings, to  
6 explain the right of the judge or circuit or supplemental court commissioner to a fair  
7 hearing without prejudgment, to state that the judge or court commissioner denies  
8 the allegations, to state that an investigation has been completed and no probable  
9 cause was found or to correct public misinformation.

10           **SECTION 113.** 757.93 (4) (a) of the statutes is amended to read:

11           757.93 (4) (a) Referring to the director of state courts information relating to  
12 an alleged delay or an alleged temporary disability of a judge or circuit or  
13 supplemental court commissioner.

14           **SECTION 114.** 757.95 of the statutes is amended to read:

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

20           **SECTION 115.** 757.99 of the statutes is amended to read:

21           **757.99 Attorney fees.** A judge or circuit or supplemental court commissioner  
22 against whom a petition alleging permanent disability is filed by the commission  
23 shall be reimbursed for reasonable attorney fees if the judge or circuit or  
24 supplemental court commissioner is found not to have a permanent disability. A  
25 judge or circuit or supplemental court commissioner against whom a formal

1 complaint alleging misconduct is filed by the commission and who is found not to  
2 have engaged in misconduct may be reimbursed for reasonable attorney fees. Any  
3 judge or circuit or supplemental court commissioner seeking recovery of attorney  
4 fees authorized or required under this section shall file a claim with the claims board  
5 under s. 16.53.

6 **SECTION 116.** 765.11 (1) of the statutes is amended to read:

7 765.11 (1) If any parent, grandparent, child, or natural guardian of a minor  
8 applicant for a marriage license, any brother, sister or guardian of either of the  
9 applicants for a marriage license, either of the applicants, the district attorney or the  
10 family circuit court commissioner believes that the statements of the application are  
11 false or insufficient, or that the applicants or either of them are incompetent to  
12 marry, that person may file with the court having probate jurisdiction in the county  
13 in which the marriage license is applied for, a petition under oath, setting forth the  
14 grounds of objection to the marriage and asking for an order requiring the parties  
15 making such application to show cause why the marriage license should not be  
16 refused. Whereupon, the court, if satisfied that the grounds of objection are prima  
17 facie valid, shall issue an order to show cause as aforesaid, returnable as the court  
18 directs, but not more than 14 days after the date of the order, which shall be served  
19 forthwith upon the applicants for the marriage license residing in the state, and upon  
20 the clerk before whom the application has been made, and shall operate as a stay  
21 upon the issuance of the marriage license until further ordered; if either or both of  
22 the applicants are nonresidents of the state the order shall be served forthwith upon  
23 the nonresident by publication of a class 1 notice, under ch. 985, in the county  
24 wherein the application is pending, and by mailing a copy thereof to the nonresident  
25 at the address contained in the application.

1           **SECTION 117.** 765.11 (2) of the statutes is amended to read:

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

15           **SECTION 118.** 765.16 (5) of the statutes is amended to read:

16           765.16 (5) Any ~~family court commissioner appointed under s. 767.13 or circuit~~  
17 ~~court commissioner appointed under SCR 75.02 (1) or supplemental court~~  
18 commissioner appointed under s. ~~757.68~~ 753.36 (1).

19           **SECTION 119.** 767.045 (1) (c) (intro.) of the statutes is amended to read:

20           767.045 (1) (c)(intro.) The attorney responsible for support enforcement under  
21 s. 59.53 (6) (a) may request that the court or family circuit court commissioner  
22 appoint a guardian ad litem to bring an action or motion on behalf of a minor who  
23 is a nonmarital child whose paternity has not been acknowledged under s. 767.62 (1)  
24 or a substantially similar law of another state or adjudicated for the purpose of

1 determining the paternity of the child, and the court or ~~family~~ Circuit court  
2 commissioner shall appoint a guardian ad litem, if any of the following applies:

3 **SECTION 120.** 767.081 (title) of the statutes is amended to read:

4 767.081 (title) **Information from the office of the family court**  
5 **commissioner.**

6 **SECTION 121.** 767.081 (1) of the statutes is amended to read:

7 767.081 (1) Upon the filing of an action affecting the family, the office of the  
8 family court commissioner shall inform the parties of any services, including referral  
9 services, offered by the office of the family court commissioner and by the director of  
10 family court counseling services under s. 767.11.

11 **SECTION 122.** 767.083 (2) of the statutes is amended to read:

12 767.083 (2) An order by the court, after consideration of the recommendation  
13 of the ~~family~~ circuit court commissioner, directing an immediate hearing on the  
14 petition for the protection of the health or safety of either of the parties or of any child  
15 of the marriage or for other emergency reasons consistent with the policies of this  
16 chapter. The court shall upon granting such order specify the grounds therefor.

17 **SECTION 123.** 767.085 (1) (i) of the statutes is amended to read:

18 767.085 (1) (i) If the action is one under s. 767.02 (1) (a), (b), (c), (d), (h) or (i),  
19 that during the pendency of the action, without the consent of the other party or an  
20 order of the court or ~~family~~ circuit court commissioner, the parties are prohibited  
21 from, and may be held in contempt of court for, encumbering, concealing, damaging,  
22 destroying, transferring or otherwise disposing of property owned by either or both  
23 of the parties, except in the usual course of business, in order to secure necessities  
24 or in order to pay reasonable costs and expenses of the action, including attorney fees.

25 **SECTION 124.** 767.085 (1) (j) (intro.) of the statutes is amended to read:

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

5           **SECTION 125.** 767.087 (1) (b) of the statutes is amended to read:

6           767.087 (1) (b) If the action is one under s. 767.02 (1) (a), (b), (c),. (d), (h) or (i),  
7 encumbering, concealing, damaging, destroying, transferring or otherwise disposing  
8 of property owned by either or both of the parties, without the consent of the other  
9 party or an order of the court or ~~family~~ circuit court commissioner, except in the usual  
10 course of business, in order to secure necessities or in order to pay reasonable costs  
11 and expenses of the action, including attorney fees.

12           **SECTION 126.** 767.087 (1) (c) of the statutes is amended to read:

13           767.087 (1) (c) Unless the action is one under s. 767.02 (1) (g) or (h), without  
14 the consent of the other party or an order of the court or ~~family~~ circuit court  
15 commissioner, establishing a residence with a minor child of the parties outside the  
16 state or more than 150 miles from the residence of the other party within the state,  
17 removing a minor child of the parties from the state for more than 90 consecutive  
18 days or concealing a minor child of the parties from the other party.

19           **SECTION 127.** 767.087 (2) of the statutes is amended to read:

20           767.087 (2) The prohibitions under sub. (1) shall apply until the action is  
21 dismissed, until a final judgment in the action is entered or until the court or ~~family~~  
22 circuit court commissioner orders otherwise,

23           **SECTION 128.** 767.11 (1) (c) of the statutes is amended to read:

24           767.11 (1) (c) A county or counties may designate a the supervisor of the office  
25 of the family court commissioner as the director under par. (a) or (b).



1           **SECTION 129.** 767.11 (5) (a) of the statutes is amended to read:

2           767.11 (5) (a) In any action affecting the family, including a revision of  
3 judgment or order under s. 767.32 or 767.325, in which it appears that legal custody  
4 or physical placement is contested, the court or ~~family circuit~~ court commissioner  
5 shall refer the parties to the director of family court counseling services for possible  
6 mediation of those contested issues. The court or the ~~family circuit~~ court  
7 commissioner shall inform the parties that the confidentiality of communications in  
8 mediation is waived if the parties stipulate under sub. (14) (c) that the person who  
9 provided mediation to the parties may also conduct the legal custody or physical  
10 placement study under sub. (14).

11           **SECTION 130.** 767.11 (5) (b) of the statutes is amended to read:

12           767.11 (5) (b) If both parties to any action affecting the family wish to have joint  
13 legal custody of a child, either party may request the court or ~~family circuit~~ court  
14 commissioner to refer the parties to the director of family court counseling services  
15 for assistance in resolving any problem relating to joint legal custody and physical  
16 placement of the child. Upon request, the court shall so refer the parties.

1 7           **SECTION 131.** 767.11 (6) of the statutes is amended to read:

18           767.11 (6) **ACTION UPON REFERRAL.** Whenever a court or ~~family circuit~~ court  
19 commissioner refers a party to the director of family court counseling services for  
20 possible mediation, the director shall assign a mediator to the case. The mediator  
21 shall provide mediation if he or she determines it is appropriate. If the mediator  
22 determines mediation is not appropriate, he or she shall so notify the court.  
23 Whenever a court or ~~family circuit~~ court commissioner refers a party to the director  
24 of family court counseling services for any other family court counseling service, the  
25 director shall take appropriate action to provide the service.

1           **SECTION 132. 767.11 (13)** of the statutes is amended to read:

2           **767.11 (13) POWERS OF COURT OR ~~FAMILY~~ FAMILY CIRCUIT COURT COMMISSIONER.** Except as  
3 provided in sub. (8), referring parties to mediation under this section does not affect  
4 the power of the court or ~~family circuit~~ family circuit court commissioner to make any necessary  
5 order relating to the parties during the course of the mediation.

6           **SECTION 133. 767.115 (1) (a)** of the statutes is amended to read:

7           **767.115 (1) (a)** At any time during the pendency of an action affecting the  
8 family in which a minor child is involved and in which the court or ~~family circuit~~ family circuit court  
9 commissioner determines that it is appropriate and in the best interest of the child,  
10 the court or ~~family circuit~~ family circuit court commissioner, on its own motion, may order the  
11 parties to attend a program specified by the court or ~~family circuit~~ family circuit court  
12 commissioner concerning the effects on a child of a dissolution of the marriage.

13           **SECTION 134. 767.115 (1) (b)** of the statutes is amended to read:

14           **767.115 (1) (b)** At any time during the pendency of an action to determine the  
15 paternity of a child, or an action affecting the family for which the underlying action  
16 was an action to determine the paternity of a child, if the court or ~~family circuit~~ family circuit court  
17 commissioner determines that it is appropriate and in the best interest of the child,  
18 the court or ~~family circuit~~ family circuit court commissioner, on its own motion, may order either  
19 or both of the parties to attend a program specified by the court or ~~family circuit~~ family circuit court  
20 commissioner providing training in parenting or coparenting skills, or both.

21           **SECTION 135. 767.115 (1m)** of the statutes is amended to read.:

22           **767.115 (1m)** A program under sub. (1) shall be educational rather than  
23 therapeutic in nature and may not exceed a total of 4 hours in length. The parties  
24 shall be responsible for the cost, if any, of attendance at the program. The court or  
25 ~~family circuit~~ family circuit court commissioner may specifically assign responsibility for payment

1 of any cost. No facts or information obtained in the course of the program, and no  
2 report resulting from the program, is admissible in any action or proceeding.

3 **SECTION 136.** 767.115 (2) of the statutes is amended to read:

4 767.115 (2) Notwithstanding s. 767.07, the court or family circuit court  
5 commissioner may require the parties to attend a program under sub. (1) as a  
6 condition to the granting of a final judgment or order in the action affecting the  
7 family that is pending before the court or family circuit court commissioner.

8 **SECTION 137.** 767.12 (1) of the statutes is amended to read:

9 767.12 (1) **PROCEEDINGS.** In actions affecting the family, all hearings and trials  
10 to determine whether judgment shall be granted, except hearings under s. ~~767.13(5)~~  
11 757.69 (1)(p) 3., shall be before the court. The testimony shall be taken by the  
12 reporter and shall be written out and filed with the record if so ordered by the court.  
13 Custody proceedings shall receive priority in being set for hearing.

14 **SECTION 138.** 767.125 of the statutes is amended to read:

15 **767.125 Order for appearance of litigants.** Unless nonresidence in the  
16 state is shown by competent evidence, service is by publication, or the court shall for  
17 other good cause otherwise order, both parties in actions affecting the family shall  
18 be required to appear upon the trial. An order of the court or family circuit court  
19 commissioner to that effect shall accordingly be procured by the moving party, and  
20 shall be served upon the nonmoving party before the trial. In the case of a joint  
21 petition the order is not required.

22 **SECTION 139.** 767.13 (title), (1), (2), (3), (4) and (6) of the statutes are repealed.

23 ~~SECTION # 767.13(5) (title) is repealed.~~

23 **SECTION 140.** 767.13 (5) (a) of the statutes is renumbered 757.69 (1) (p) ~~1/6~~ and

24 amended to read:

*and*  
~~SECTION # 767.13(5)(a) (title) is repealed.~~  
*of the statutes*

1           757.69 (1.) (p) ~~1. Divorce~~ On authority delegated by a judge, which may be by  
 2 a standard order, and with the approval of the chief judge of the judicial  
 3 ~~administrative district, a family~~ When assigned to a court assigned jurisdiction to  
 4 hear actions affecting the family:

5           1. A circuit court commissioner may preside at any hearing held to determine  
 6 whether a judgment of divorce shall be granted, if both parties state that the  
 7 marriage is irretrievably broken and that all material issues, including but not  
 8 limited to division of property or estate, legal custody, physical placement, child  
 9 support, spousal maintenance and family support, are resolved or if one party does  
 10 not participate in the action for divorce. The family circuit court commissioner may  
 11 grant and enter judgment in any action over which he or she presides under this  
 12 paragraph unless the judgment modifies an agreement between the parties on  
 13 material issues. If the family circuit court commissioner does not approve an  
 14 agreement between the parties on material issues, the action shall be certified to the  
 15 court for trial.

*SECTION #. 767.13 (5) (b) (title) of the statutes is repealed.*

16           SECTION 141. 767.13 (5) (b) of the statutes is renumbered 757.69 (1) (p) 2. and  
 17 amended to read:

18           757.69 (1) (p) 2. ~~Enforcement or revision; maintenance, custody, physical~~  
 19 ~~placement and visitation~~ On authority delegated by a judge, which may be by a  
 20 ~~standard order, a family~~ A circuit court commissioner may conduct hearings and  
 21 enter judgments in actions for enforcement of, or revision of judgment for,  
 22 maintenance, custody, physical placement or visitation.

*SECTION #. 767.13 (5) (c) (title) of the statutes is repealed.*

23           SECTION 142. 767.13 (5) (c) of the statutes is renumbered 757.69 (1) (p) 3. and  
 24 amended to read:

*SEC # 767.13(7) (Title) of the statutes is repealed*

1 **757.69 (1) (p) 3.** ~~Establishment, enforcement or revision, paternity and support~~  
2 ~~Except when otherwise ordered by a judge, a family A circuit~~ court commissioner  
3 may conduct hearings and enter orders and judgments in actions to establish  
4 paternity, in actions to establish or enforce a child support or a family support  
5 obligation and in actions to revise orders or judgments for child support or family  
6 support.

*SEC. #. 767.13 (6) of the statutes is repealed.*  
7 SECTION 143. 767.13 (7) of the statutes is renumbered 757.69 (1) (p) 4. and

8 amended to read:

9 757.69 (1) (p) 4. ~~COOPERATION~~ Each family A circuit court commissioner shall  
10 cooperate with the county and the department to ensure that all dependent children  
11 receive reasonable and necessary child support.

12 SECTION 144. 767.14 of the statutes is amended to read:

13 **767.14 Service on office of the family court commissioner and**  
14 **appearance by family circuit court commissioner.** In any action affecting the  
15 family, each party shall, either within 20 days after making service on the opposite  
16 party of any petition or pleading or before filing such petition or pleading in court,  
17 serve a copy of the same upon the office of the family court commissioner of the county  
18 in which the action is begun, whether such action is contested or not. No judgment  
19 in any such action shall be granted unless this section is complied with except when  
20 otherwise ordered by the court. ~~Such A circuit court commissioner assisting the court~~  
21 in matters affecting the family may appear in an action under this chapter when  
22 appropriate; and shall appear when requested by the court.

23 SECTION 145. 767.145 (1) of the statutes is amended to read:

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

4           **SECTION 146.** 767.15 (1) of the statutes is amended to read:

5           767.15 (1) In any action affecting the family in which either party is a recipient  
6 of benefits under ss. 49.141 to 49.161 or aid under s. 46.261, 49.19 or 49.45, each party  
7 shall, either within 20 days after making service on the opposite party of any motion  
8 or pleading requesting the court or family circuit court commissioner to order, or to  
9 modify a previous order, relating to child support, maintenance or family support, or  
10 before filing the motion or pleading in court, serve a copy of the motion or pleading  
11 upon the county child support agency under s. 59.53 (5) of the county in which the  
12 action is begun.

13           **SECTION 147.** 767.16 of the statutes is amended to read:

14           **767.16 Family Circuit court commissioner or law partner; when**  
15 **interested; procedure.** Neither a family circuit court commissioner assisting the  
16 court in matters affecting the family nor a partner may appear in any action affecting  
17 the family in any court held in the county in which the family circuit court  
18 commissioner is acting, except when authorized to appear by s. 767.44. In case the  
19 circuit court commissioner or a partner shall be in any way interested in such action,  
20 the presiding judge shall appoint some reputable attorney to perform the services  
21 enjoined upon ~~such family~~ the circuit court commissioner ~~and such~~. The appointed  
22 a t t o r n e y , ; shall take and file the oath and receive the compensation  
23 provided by law.

24           **SECTION 148.** 767.17 of the statutes is repealed.

25           **SECTION 149.** 767.23 (1) (<intro.) of the statutes is amended to read:

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

5           **SECTION 150.** 767.23 (1) (a) of the statutes is amended to read:

6           767.23 (1) (a) Upon request of one party, granting legal custody of the minor  
7 children to the parties jointly, to one party solely or to a relative or agency specified  
8 under s. 767.24 (3). The court or ~~family circuit~~ court commissioner may order joint  
9 legal custody without the agreement of the other party and without the findings  
10 required under s. 767.24 (2) (b) 2. This order may not have a binding effect on a final  
11 custody determination.

12           **SECTION 151.** 767.23 (1) (am) of the statutes is amended to read:

13           767.23 (1) (am) Upon the request of a party, granting periods of physical  
14 placement to a party. The court or ~~family circuit~~ court commissioner shall make a  
15 determination under this paragraph within 30 days after the request for a temporary  
16 order regarding periods of physical placement is filed.

17           **SECTION 152.** 767.23 (1m) of the statutes is amended to read:

18           767.23 (1m) If a ~~family circuit~~ court commissioner believes that a temporary  
19 restraining order or injunction under s. 813.12 is appropriate in an action, the circuit  
20 court commissioner shall inform the parties of their right to seek the order or  
21 injunction and the procedure to follow. On a motion for such a restraining order or  
22 injunction, the ~~family circuit~~ court commissioner shall submit the motion to the court  
23 within 5 working days.

24           **SECTION 153.** 767.23 (1n) of the statutes is amended to read:

1           767.23 (1n) Before making any temporary order under sub. (1), the court or  
2 ~~family circuit~~ court commissioner shall consider those factors which the court is  
3 required by this chapter to **consider** before entering a final judgment on the same  
4 subject matter. If the court or ~~family circuit~~ court commissioner makes a temporary  
5 child support order that deviates from the amount of support that would be required  
6 by using the percentage standard established by the department under s. 49.22 (9),  
7 the court or ~~family circuit~~ court commissioner shall comply with the requirements  
8 of s. 767.25 (1n). A temporary order under sub. (1) may be based upon the written  
9 stipulation of the parties, subject to the approval of the court or the ~~family circuit~~  
10 court commissioner. Temporary orders made by the ~~family circuit~~ court  
11 commissioner may be reviewed by the court ~~as provided in s. 767.12 (6)~~.

12           **SECTION 154.** 767.25 (4m) (f) 2. of the statutes is amended to read:

13           767.25 (4m) (f) 2. The notice provided to the parent shall inform the parent that  
14 coverage for the child under the new employer's health benefit plan will be in effect  
15 upon the employer's receipt of the notice. The notice shall inform the parent that he  
16 or she may, within 10 business days after receiving the notice, by motion request a  
17 hearing before the court on the issue of whether the order to provide coverage of the  
18 child's health care expenses should remain in effect. A motion under this subdivision  
19 may be heard by a ~~family circuit court commissioner~~ requests a hearing  
20 and the court or ~~family circuit~~ court commissioner determines that the order to  
21 provide coverage of the child's health care expenses should not remain in effect, the  
22 court shall provide notice to the employer that the order is no longer in effect.

23           **SECTION 155.** 767.265 (1) of the statutes, as affected by 1997 Wisconsin Act 191,  
24 section 411, is amended to read:



1           767.265 (1) Each order for child support under this chapter, for maintenance  
2 payments under s. 767.23 or 767.26, for family support under this chapter, for costs  
3 ordered under s. 767.51 (3) or 767.62 (4) (a), for support by a spouse under s. 767.02  
4 (1) (f) or for maintenance payments under s. 767.02 (1) (g), each order for a revision  
5 in a judgment or order with respect to child support, maintenance or family support  
6 payments under s. 767.32, each stipulation approved by the court or the ~~family~~  
7 circuit court commissioner for child support under this chapter&d each order for  
8 child or spousal support entered under s. 948.22 (7) constitutes an assignment of all  
9 commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102 or  
10 108, lottery prizes that are payable in instalments and other money due or to be due  
11 in the future to the department or its designee. The assignment shall be for an  
12 amount sufficient to ensure payment under the order or stipulation and to pay any  
13 arrearages due at a periodic rate not to exceed 50% of the amount of support due  
14 under the order or stipulation so long as the addition of the amount toward  
1 5 arrearages does not leave the party at an income below the ~~poverty~~ poverty line established  
16 under 42 USC 9902 (2).

17           **SECTION 156.** 767.265 (2h) of the statutes is amended to read:

18           767.265 (2h) If a court-ordered assignment does not require immediately  
19 effective withholding and a payer fails to make a required maintenance, child  
20 support, spousal support or family support payment within 10 days after its due  
21 date, within 20 days after the payment's due date the court or ~~family~~ circuit court  
22 commissioner shall cause the assignment to go into effect by providing notice of the  
23 assignment in the manner provided under sub. (2r) and shall send a notice by regular  
24 mail to the last-known address of the payer. The notice sent to the ~~payer~~ payer shall inform  
25 the payer that an assignment is in effect and that the payer may, within a 10-day

1 period, by motion request a hearing on the issue of whether the assignment should  
2 remain in effect. The court or family circuit court commissioner shall hold a hearing  
3 requested under this subsection within 10 working days after the date of the request.  
4 If at the hearing the payer establishes that the assignment is not proper because of  
5 a mistake of fact, the court or family circuit court commissioner may direct that the  
6 assignment be withdrawn. Either party may, within 15 working days after the date  
7 of a decision by a family circuit court commissioner under this subsection, seek  
8 review of the decision by the court with jurisdiction over the action.

9 **SECTION 157.** 767.265 (2r) of the statutes, as affected by 1997 Wisconsin Act  
10 191, section 414, is amended to read:

11 767.265 (2r) Upon entry of each order for child support, maintenance, family  
12 support or support by a spouse and upon approval of each stipulation for child  
13 support, unless the court finds that income withholding is likely to cause the payer  
14 irreparable harm or unless s. 767.267 applies, the court, family circuit court  
15 commissioner or county child support agency under s. 59.53 (5) shall provide notice  
16 of the assignment by regular mail or by facsimile machine, as defined in s. 134.72 (1)  
17 (a), or other electronic means to the last-known address of the person from whom the  
18 payer receives or will receive money. The notice shall provide that 'the amount  
19 withheld may not exceed the maximum amount that is subject to garnishment under  
20 15 USC 1673 (b) (2). If the department or its designee, whichever is appropriate, does  
21 not receive the money from the person notified, the court, family circuit court  
22 commissioner or county child support agency under s. 59.53 (5) shall provide notice  
23 of the assignment to any other person from whom the payer receives or will receive  
24 money. Notice under this subsection, may be a notice of the court, a copy of the  
25 executed assignment or a copy of that part of the court order directing payment.