

1 **SECTION 158.** 767.267 (1) of the statutes, **as affected by 1997 Wisconsin Act 27,**
2 is amended to read:

3 767.267 (1) If the court or the ~~family circuit~~ court commissioner determines
4 that income withholding under s. 767.265 is inapplicable, ineffective or insufficient
5 to ensure payment under an order or stipulation specified in s. 767.265 (1), or that
6 income withholding under s. 767.25 (4m) (c) or 767.51 (3m) (c) is inapplicable,
7 ineffective or insufficient to ensure payment of a child's health care expenses,
8 including payment of health insurance premiums, ordered under s. 767.25 (4m) or
9 767.51 (3m), the court or family circuit court commissioner may require the payer to
10 identify or establish a deposit account, owned in whole or in part by the payer, that
11 allows for periodic transfers of funds and to file with the financial institution at
12 which the account is located an authorization for transfer from the account to the
13 department or its designee, whichever is appropriate. The authorization shall be
14 provided on a standard form approved by the court and shall specify the frequency
15 and the amount of transfer, sufficient to meet the payer's obligation under the order
16 or stipulation, as required by the court or ~~family circuit~~ court commissioner. e
17 authorization shall include the payer's consent for the financial institution or an
18 officer, employe or agent of the financial institution to disclose information to the
19 **court, family circuit court commissioner, county child support agency under s. 59.53**
20 (5), department or department's designee regarding the account for which the payer
21 has executed the authorization for transfer.

22 **SECTION 159.** 767.267 (5) of the statutes, as affected by 1997 Wisconsin Act 27,
23 is amended to read:

24 767.267 (5) A financial institution or an officer, employe or agent of a financial
25 institution may disclose information to the court, ~~family circuit~~ court commissioner,

1 county child support agency under s. 59.53 (5), department or department's designee
2 concerning an account for which a payer has executed an authorization for transfer
3 under sub. (1).

4 **SECTION 160.** 767.27 (2) of the statutes is amended to read:

5 767.27 (2) Except as provided in sub. (2m), disclosure forms required under this
6 section shall be filed within 90 days after the service of summons or the filing of a
7 joint petition or at such other time as ordered by the court or ~~family circuit~~ court
8 commissioner. Information contained on such forms shall be updated on the record
9 to the date of hearing.

10 **SECTION 161.** 767.29 (1) (c) of the statutes, as affected by 1997 Wisconsin Act
11 27, is amended to read:

12 767.29 (1) (c) Except as provided in sub. (1m), the department or its designee
13 shall disburse the money received under the judgment or order in the manner
14 required by federal regulations and take receipts therefor, unless the department or
15 its designee is unable to disburse the moneys because they were paid by check or
16 other draft drawn upon an account containing insufficient funds. All moneys
17 received or disbursed under this section shall be entered in a record kept by the
18 department or its designee, whichever is appropriate, which shall be open to
19 inspection by the parties to the action, their attorneys and the ~~family circuit~~ court
20 commissioner.

21 **SECTION 162.** 767.29 (1) (d) (intro.) of the statutes, as created by 1997 Wisconsin
22 Act 27, is amended to read:

23 767.29 (1) (d) (intro.) For receiving and disbursing maintenance, child support
24 or family support payments, and for maintaining the records required under par. (c),
25 the department or its designee shall collect an annual fee of \$25 to be paid by each

1 party ordered to make payments. The court or ~~family~~ circuit court commissioner
2 shall order each party ordered to make payments to pay the annual fee under this
3 paragraph at the time of, and in addition to, the first payment to the department or
4 its designee in each year for which payments are ordered. All fees collected under
5 this paragraph shall be deposited in the appropriation account under s. 20.445 (3)
6 (ja). At the time of ordering the payment of an annual fee under this paragraph, the
7 court or ~~family~~ circuit court commissioner shall notify each party ordered to make
8 payments of the requirement to pay the annual fee and of the amount of the annual
9 fee. If the annual fee under this section is not paid when due, the department or its
10 designee may not deduct the annual fee from the maintenance or child or family
11 support payment, but may do any of the following:

12 **SECTION 163.** 767.29 (1) (d) 2. of the statutes, as created by 1997 Wisconsin Act
13 27, is amended to read:

14 767.29 (1) (d) 2. Apply to the court or ~~family~~ circuit court commissioner for an
15 assignment relating to the annual fee in accordance with s. 767.265.

16 **SECTION 164.** 767.29 (1) (e) of the statutes, as affected by 1997 Wisconsin Act
17 27, is amended to read:

18 767.29 (1) (e) If the maintenance, child support or family support payments
19 adjudged or ordered to be paid are not paid to the department or its designee at the
20 time provided in the judgment or order, the county child support agency under s.
21 59.53 (5) or the ~~family~~ circuit court commissioner of the county shall take such
22 proceedings as he or she considers advisable to secure the payment of the sum
23 including enforcement by contempt proceedings under ch. 785 or by other means.
24 Copies of any order issued to compel the payment shall be mailed to counsel who
25 represented each party when the maintenance, child support or family support

1 payments were awarded. In case any fees of officers in any of the proceedings,
2 including the compensation of the ~~family circuit~~ court commissioner at the rate of \$50
3 per day unless the commissioner is on a salaried basis, is not collected from the
4 person proceeded against, the fees shall be paid out of the county treasury upon the
5 order of the presiding judge and the certificate of the department.

6 **SECTION 165.** 767.29 (1m) (b) of the statutes is amended to read:

7 767.29 (1m) (b) The court or the ~~family circuit~~ court commissioner has ordered
8 that overpayments of child support, family support or maintenance that do not
9 exceed the amount of support or maintenance due in the next month may be held for
10 disbursement in the next month.

11 **SECTION 166.** 767.29 (3) (a) of the statutes is amended to read:

12 767.29 (3) (a) If maintenance payments or support money, or both, is ordered
13 to be paid for the benefit of any person, who is committed by court order to an
14 institution or is in confinement, or whose legal custody is vested by court order under
15 ch. ~~48 or 938~~ in an agency, department or relative, the ~~court or family~~ **Circuit court**
16 commissioner may order such maintenance payments or support money to be paid
17 to the relative or agency, institution, welfare department or other entity having the
18 legal or actual custody of said person, and to be used for the latter's care and
19 maintenance, without the appointment of a guardian under ch. 880.

20 **SECTION 167.** 767.29 (3) (b) of the statutes is amended to read:

21 767.29 (3) (b) If a child who is the beneficiary of support under a judgment or
22 order is placed by court order in a child caring institution, juvenile correctional
23 institution or state mental institution, the right of the child to support during the
24 period of the child's confinement, including any right to unpaid support accruing
25 during that period, is assigned to the state. If the judgment or order providing for

1 the support of a child who is placed in a child caring institution, juvenile correctional
2 institution or state mental institution includes support for one or more other
3 children, the support that is assigned to the state shall be the proportionate share
4 of the child placed in the institution, except as otherwise ordered by the court or
5 ~~family circuit~~ court commissioner on the motion of a party.

6 **SECTION 168. 767.293 (1) of the statutes is amended to read:**

7 767.293 (1) If an order for child support under this chapter or s. 948.22 (7), an
8 order for family support under this chapter or a stipulation approved by the court or
9 the ~~family circuit~~ court commissioner for child support under this chapter requires
10 a payer to pay child or family support in an amount that is expressed as a percentage
11 of parental income, the payee, including the state or a county child support agency
12 under s. 59.53 (5) if the state is a real party in interest under s. 767.075 (1), may
13 establish an arrearage by filing an affidavit in the action in which the order for the
14 payment of support was entered or the stipulation for support was approved. The
15 affidavit shall state the amount of the arrearage and the facts supporting a
16 reasonable basis on which the arrearage was determined and may state the payer's
17 current income and the facts supporting a reasonable basis on which the payer's
18 current income was determined. Not later than 60 days after filing the affidavit, the
19 payee shall serve the affidavit on the payer in the manner provided in s. 801.11 (1)
20 (a) or(b) or by sending the affidavit by registered or certified mail to the last-known
21 address of the payer. After the payee files a proof of service on the payer, the court
22 shall send a notice to the payer by regular, registered or certified mail to the payer's
23 last-known address. The notice shall provide that, unless the payer requests a
24 hearing to dispute the arrearage or the amount of the arrearage not later than 20
2 5 days after the date of the notice, the court or ~~family circuit~~ court commissioner may

1 enter an order against the payer in the amount stated in the affidavit and may
2 provide notice of assignment under s. 767.265. The notice shall include the mailing
3 address to which the request for hearing must be mailed or delivered in order to
4 schedule a hearing under sub. (2).

5 **SECTION 169.** 767.293 (2) of the statutes is amended to read:

6 767.293 (2) If the payer makes a timely request for a hearing, the court or
7 ~~family circuit~~ court commissioner shall hold a hearing on the issue of the amount of
8 the arrearage, if any. If the court or ~~family circuit~~ court commissioner determines
9 after hearing that an arrearage exists, the court or ~~family circuit~~ court commissioner
10 shall enter an order establishing an arrearage in the amount determined by the court
11 or ~~family circuit~~ court commissioner and may send notice of assignment under s.
12 767.265.

13 **SECTION 170.** 767.293 (3) of the statutes is amended to read:

14 767.293 (3) If the court or ~~family circuit~~ court commissioner sends the notice
15 under sub. (1) and the payer fails to make a timely request for a hearing, the court
16 or ~~family circuit~~ court commissioner, if the affidavit demonstrates to the satisfaction
17 of the court or ~~family circuit~~ court commissioner that an arrearage exists, shall enter
18 an order establishing an arrearage in the amount determined by the court or ~~family~~
19 ~~circuit~~ court commissioner and may send notice of assignment under s. 767.265. e
20 court or ~~family circuit~~ court commissioner shall send the order to the payer's
21 last-known address and shall inform the payer whether an assignment is in effect
22 and that the payer may, within a 10-day period, by motion request a hearing on the
23 issue of whether the order should be vacated or the assignment should be withdrawn.

24 **SECTION 171.** 767.32 (1) (a) of the statutes is amended to read:

1 767.32 (1) (a) After a judgment or order providing for child support under this
2 chapter or s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4.,
3 938.357 (5m), 938.363 (2) or 948.22 (7), maintenance payments under s. 767.26 or
4 family support payments under this chapter, or for the appointment of trustees
5 under s. 767.31, the court may, from time to time, on the petition, motion or order to
6 show cause of either of the parties, or upon the petition, motion or order to show cause
7 of the department, a county department under s. 46.215, 46.22 or 46.23 or a county
8 child support agency under s. 59.53 (5) if an assignment has been made under s.
9 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4) (h) or 49.45 (19) or if either party or
10 their minor children receive aid under s. 48.57 (3m) or (3n) or ch. 49, and upon notice
11 to the office of the family court commissioner, revise and alter such judgment or order
12 respecting the amount of such maintenance or child support and the payment
13 thereof, and also respecting the appropriation and payment of the principal and
14 income of the property so held in trust, and may make any judgment or order
15 respecting any of the matters that such court might have made in the original action,
16 except that a judgment or order that waives maintenance payments for either party
17 shall not thereafter be revised or altered in that respect nor shall the provisions of
18 a judgment or order with respect to final division of property be subject to revision
19 or modification. A revision, under this section, of a judgment or order with respect
20 to an amount of child or family support may be made only upon a finding of a
21 substantial change in circumstances. In any action under this section to revise a
22 judgment or order with respect to maintenance payments, a substantial change in
23 the cost of living by either party or as measured by the federal bureau of labor
24 statistics may be sufficient to justify a revision of judgment or order with respect to

1 the amount of maintenance, except that a change in an obligor's cost of living is not
2 in itself sufficient if payments are expressed as a percentage of income.

3 **SECTION 172.** 767.327 (2) (c) of the statutes is amended to read:

4 767.327 (2) (c) Upon receipt of a copy of a notice of objection under par. (a), the
5 court or ~~family~~ family circuit court commissioner shall promptly refer the parents for
6 mediation or other family court counseling services under s. 767.11 and may appoint
7 a guardian ad litem. Unless the parents agree to extend the time period, if mediation
8 or counseling services do not resolve the dispute within 30 days after referral, the
9 matter shall proceed under subs. (3) to (5).

10 **SECTION 173.** 767.33 (2) of the statutes is amended to read:

11 767.33 (2) An adjustment under sub. (1) may be made only if the party receiving
12 payments applies to the ~~family~~ family circuit court commissioner for the adjustment. If the
13 order specifies the date on which the annual adjustment becomes effective, the
14 application to the ~~family~~ family circuit court commissioner must be made at least 20 days
15 before the effective date of the adjustment. The ~~family~~ family circuit court commissioner,
16 upon application by the party receiving payments, shall send a notice by certified
17 mail to the last-known address of the obligor. The notice shall be postmarked no
18 later than 10 days after the date on which the application was filed and shall inform
19 the obligor that an adjustment in payments will become effective on the date
20 specified in the order or, if no date is specified in the order, 10 days after the date on
21 which the notice is sent. The obligor may, after receipt of notice and before the
22 effective date of the adjustment, request a hearing on the issue of whether the
23 adjustment should take effect, in which case the adjustment shall be held in
24 abeyance pending the outcome of the hearing. The ~~family~~ family circuit court commissioner
25 shall hold a hearing requested under this subsection within 10 working days after

1 the request. If at the hearing the obligor establishes that extraordinary
2 circumstances beyond his or her control prevent fulfillment of the adjusted child
3 support obligation, the ~~family circuit~~ court commissioner may direct that all or part
4 of the adjustment not take effect until the obligor is able to fulfill the adjusted
5 obligation. If at the hearing the obligor does not establish that extraordinary
6 circumstances beyond his or her control prevent fulfillment of the adjusted
7 obligation, the adjustment shall take effect as of the date it would have become
8 effective had no hearing been requested. Either party may, within 15 working days
9 of the date of the decision by the ~~family circuit~~ court commissioner under this
10 subsection, seek review of the decision by the court with jurisdiction over the action.

11 **SECTION 174. 767.37 (1) (a)** of the statutes is amended to read:

12 767.37 (1) (a) In any action affecting the family, if the court orders maintenance
13 payments or other allowances for a party or children or retains jurisdiction in such
14 matters, the written judgment shall include a provision that disobedience of the
15 court order with respect to the same is punishable under ch. 785 by commitment to
16 the county jail or house of correction until such judgment is complied with and the
17 costs and expenses of the proceedings are paid or until the party committed is
18 otherwise discharged, according to law. The written judgment in any action affecting
19 the family shall include the social security numbers of the parties and of any child
20 of the parties. The findings of fact and conclusions of law and the written judgment
21 shall be drafted by the attorney for the moving party, and shall be submitted to the
22 court and filed with the clerk of the court within 30 days after judgment is granted;
23 but if the respondent has been represented by counsel, the findings, conclusions and
24 judgment shall first be submitted to respondent's counsel for approval and if the
25 ~~family circuit~~ court commissioner has appeared at the trial of the action, such papers

1 shall also be sent to the ~~family circuit~~ court commissioner for approval. n y
2 necessary approvals are obtained, the findings of fact, conclusions of law and
3 judgment shall be submitted to the court. Final stipulations of the parties may be
4 appended to the judgment and incorporated by reference therein.

5 **SECTION 175. 767.37 (2)** of the statutes is amended to read:

6 767.37 (2) So far as a judgment of divorce affects the marital status of the
7 parties the court has the power to vacate or modify the judgment for sufficient cause
8 shown, upon its own motion, or upon the application of both parties to the action, at
9 any time within 6 months from the granting of such judgment. No such judgment
10 shall be vacated or modified without service of notice of motion on the ~~office of the~~
11 family court commissioner. The court may direct the ~~family circuit~~ court
12 commissioner or appoint some other attorney, to bring appropriate proceedings for
13 the vacation of the judgment. The compensation of the ~~family circuit~~ court
14 commissioner when not on a salaried basis or other attorney for performing such
15 services shall be at the rate of \$50 per day, which shall be paid out of the county
16 treasury upon order of the presiding judge and the certificate of the clerk of the court.
17 If the judgment is vacated it shall restore the parties to the marital relation that
18 existed before the granting of such judgment. If after vacation of the judgment either
19 of the parties brings an action in this state for divorce against the other the court may
20 order the petitioner in such action to reimburse the county the amount paid by it to
21 the ~~family circuit~~ court commissioner or other attorney in connection with such
22 vacation proceedings. Whenever a judgment of divorce is set aside under this
23 subsection, the court shall order the record in the action impounded without regard
24 to s. 767.19; and thereafter neither the record nor any part of the record shall be
25 offered or admitted into evidence in any action or proceeding except by special order

1 of the court of jurisdiction upon good cause shown in any paternity proceedings under
2 this chapter or by special order of any court of record upon a showing of necessity to
3 clear title to real estate.

4 **SECTION 176.** 767.45 (5) (b) of the statutes is amended to read:

5 767.45 (5) (b) An action under this section may be joined with any other action
6 for child support and shall be governed by the procedures specified in s. 767.05
7 relating to child support, except that the title of the action shall be "In re the
8 paternity of A.B." The petition shall state the name and date of birth of the child if
9 born or that the mother is pregnant if the child is unborn, the name of any alleged
10 father, whether or not an action by any of the parties to determine the paternity of
11 the child or rebut the presumption of paternity to the child has at any time been
12 commenced, or is pending before any judge or circuit court commissioner, in this state
13 or elsewhere. If a paternity judgment has been rendered, or if a paternity action has
14 been dismissed, the petition shall state the court which rendered the judgment or
15 dismissed the action, and the date and the place the judgment was granted if known.
16 The petition shall also give notice of a party's right to request a genetic test under
17 s. 49.225 or 767.48.

18 **SECTION 177.** 767.455 (5) of the statutes is amended to read:

19 767.455 (5) FORM. The summons shall be in substantially the following form:

20 STATE OF WISCONSIN,

CIRCUIT COURT: . . . COUNTY

21 _____
22 In re the Paternity of A. B.

23 STATE OF WISCONSIN

24 and

25 . C. D.

1 Address

2 City, State Zip Code

File No. . . .

3 , Petitioners

4 vs.

SUMMONS

5 E. F.

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

7 City, State Zip Code

8 , Respondent

9 _____

10 THE STATE OF WISCONSIN, To the Respondent:

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

14 Date:

15 Time:

16 Room:

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

18 Address:

19 If you do not appear, the court will enter a default judgment finding you to be
20 the father. A default judgment will take effect 30 days after it is served on or mailed
21 to you, unless within those 30 days you present to the court evidence of good cause
22 for failure to appear. If you plan to be represented by an attorney, you should contact
23 the attorney prior to the court appearance listed above. If you are unable to afford
24 an attorney, the court will appoint one for you only upon the blood tests showing that
25 you are not excluded as the father and the probability of your being the father is less

1 than 99.0%. Appearance is not required if you complete the attached waiver of first
2 appearance statement and send it to the court at least 10 days prior to the date of
3 your scheduled appearance in this summons.

4 Dated: (year)

5 Signed:

6 G. H., Clerk of Circuit Court

7 or

8 Petitioner's Attorney

9 State Bar No.:

10 Address:

11 City, State Zip Code:

12 Phone No.:

13 **SECTION 178.** 767.458 (lm) of the statutes is amended to read:

14 767.458 **(lm)** In an action to establish the paternity of a child who was born
15 to a woman while she was married, where a man other than the woman's husband
16 alleges that he, not the husband, is the child's father, a party may allege that a
17 judicial determination that a man other than the husband is the father is not in the
18 best interest of the child. If the court or a circuit or sunnlemental court commissioner
19 under s. ~~757.69(3)~~ 753.36(2) (g) determines that a judicial determination of whether
20 a man other than the husband is the father is not in the best interest of the child, no
21 genetic tests may be ordered and the action shall be dismissed.

22 **SECTION 179.** 767.46 (1) of the statutes is amended to read:

23 767.46 **(1)** A pretrial hearing shall be held before the court or a circuit or
24 sunnlemental court commissioner under s. 757X9-W 753.36(2) (g). A record or
25 minutes of the proceeding shall be kept. At the pretrial hearing the parties may

1 present and cross-examine witnesses, request genetic tests and present other
2 evidence relevant to the determination of paternity.

3 **SECTION 180.** 767.463 of the statutes is amended to read:

4 **767.463 Dismissal if adjudication not in child's best interest.** Except as
5 provided in s. 767.458 (lm), at any time in an action to establish the paternity of a
6 child, upon the motion of a party or guardian ad litem, the court or circuit or
7 supplemental court commissioner under s. ~~757.69 (3)~~ 753.36(2) (g) may, with respect
8 to a man, refuse to order genetic tests, if genetic tests have not yet been taken, and
9 dismiss the action if the court or circuit or sunnlemental court commissioner
10 determines that a judicial determination of whether the man is the father of the child
11 is not in the best interest of the child.

12 **SECTION 181.** 767.465 (2) (a) of the statutes is amended to read:

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

25 **SECTION 182.** 767.51 (3m) (f) 2. of the statutes is amended to read:

1 **767.51 (3m) (f) 2.** The notice provided to the parent shall inform the parent that
2 coverage for the child under the new employer's health benefit plan will be in effect
3 upon the employer's receipt of the notice. The notice shall inform the parent that he
4 or she may, within 10 business days after receiving the notice, by motion request a
5 hearing before the court on the issue of whether the order to provide coverage of the
6 child's health care expenses should remain in effect. A motion under this subdivision
7 may be heard by a ~~family circuit court commissioner~~ family circuit court commissioner. r. e q u e s t s a h e a r i n g
8 and the court or ~~family circuit~~ family circuit court commissioner determines that the order to
9 provide coverage of the child's health care expenses should not remain in effect, the
10 court shall provide notice to the employer that the order is no longer in effect.

11 **SECTION 183.** 767.62 (2) (b) of the statutes is amended to read:

12 767.62 (2) (b) If a statement acknowledging paternity is timely rescinded as
13 provided in s. 69.15 (3m), a court or ~~family circuit~~ family circuit court commissioner may not enter
14 an order specified in sub. (4) with respect to the man who signed the statement as
15 the father of the child unless the man is adjudicated the child's father using the
16 procedures set forth in ss. 767.45 to 767.60.

17 **SECTION 184.** 767.62 (3) (b) of the statutes is amended to read:

18 767.62 (3) (b) Except as provided in s. 767.045, in an action specified in par. (a)
19 the court or ~~family circuit~~ family circuit court commissioner may appoint a guardian ad litem for
20 the child and shall appoint a guardian ad litem for a party who is a minor, unless the
21 minor party is represented by an attorney.

22 **SECTION 185.** 767.62 (4) (a) of the statutes is amended to read:

23 767.62 (4) (a) In an action under sub. (3) (a), if the persons who signed and filed
24 the statement acknowledging paternity as parents of the child had notice of the
25 hearing, the court or ~~family circuit~~ family circuit court commissioner may make an order that

1 contains any provision directed against the appropriate party to the proceeding
2 concerning the duty of support, the legal custody or guardianship of the child, periods
3 of physical placement, the furnishing of bond or other security for the payment of
4 amounts under the order or any other matter in the best interest of the child. Unless
5 the court orders otherwise, if there is no presumption of paternity under s. 891.41
6 (1) the mother shall have sole legal custody of the child. The court or family circuit
7 court commissioner shall order either party or both to pay for the support of any child
8 of the parties who is less than 18 years old, or any child of the parties who is less than
9 19 years old if the child is pursuing an accredited course of instruction leading to the
10 acquisition of a high school diploma or its equivalent. The order may direct the father
11 to pay or contribute to the reasonable expenses of the mother's pregnancy and
12 confinement during pregnancy and may direct either party to pay or contribute to
13 the costs of attorney fees or other costs.

14 **SECTION 186.** 767.62 (4) (b) 2. of the statutes is amended to read:

15 767.62 (4) (b) 2. In addition to ordering child support for a child under par. (a),
16 the court or family circuit court commissioner shall specifically assign responsibility
17 for and direct the manner of payment of the child's health care expenses. In
18 assigning responsibility for a child's health care expenses, the court or family circuit
19 court commissioner shall consider whether a child is covered under a parent's health
20 insurance policy or plan at the time the court enters an order under this paragraph,
21 the availability of health insurance to each parent through an employer or other
22 organization, the extent of coverage available to a child and the costs to the parent
23 for the coverage of the child. A parent may be required to initiate or continue health
24 care insurance coverage for a child under this subdivision. If a parent is required to
25 do so, he or she shall provide copies of necessary program or policy identification to

1 the other parent and is liable for any health care costs for which he or she receives
2 direct payment from an insurer. This paragraph may not be construed to limit the
3 authority of the court or family circuit court commissioner to enter or modify support
4 orders containing provisions for payment of medical expenses, medical costs, or
5 insurance premiums that are in addition to and not inconsistent with this
6 paragraph.

7 **SECTION 187.** 767.62 (4) (b) 3. a. of the statutes, as affected by 1997 Wisconsin
8 Act 191, section 489, is amended to read:

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

23 **SECTION 188.** 767.62 (4) (b) 3. b. of the statutes is amended to read:

24 767.62 (4) (b) 3. b. If the court or family circuit court commissioner orders a
25 parent to initiate or continue health insurance coverage for a child under a health

1 insurance policy that is available to the parent through an employer or other
2 organization but the court or family circuit court commissioner does not specify the
3 manner in which payment of the health insurance premiums shall be made, the clerk
4 of court may provide notice of assignment in the manner provided under s. 767.265
5 (2r) for the withholding from income of the amount necessary to pay the health
6 insurance premiums. That notice of assignment may be sent with or included as part
7 of any other notice of assignment under s. 767.265, if appropriate. A person who
8 receives the notice of assignment shall send the withheld health insurance
9 premiums to the appropriate health care insurer, provider or plan, as provided in s.
10 **767.265** (3h).

11 **SECTION 189.** 767.62 (4) (b) 4. (intro.) of the statutes is amended to read:

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

17 **SECTION 190.** 767.62 (4) (b) 4. c. of the statutes is amended to read:

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

25 **SECTION 191.** 767.62 (4) (b) 5. a. of the statutes is amended to read:

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

8 **SECTION 192.** 767.62 (4) (b) 6. b. of the statutes is amended to read:

9 767.62 (4) (b) 6. b. The notice provided to the parent shall inform the parent
10 that coverage for the child under the new employer's health benefit plan will be in
11 effect upon the employer's receipt of the notice. The notice shall inform the parent
12 that he or she may, within 10 business days after receiving the notice, by motion
13 request a hearing before the court on the issue of whether the order to provide
14 coverage of the child's health care expenses should remain in effect. A motion under
15 this subd. 6. b. may be heard by a ~~family circuit court commissioner~~ family circuit court commissioner. r e n t
16 requests a hearing and the court or family circuit court commissioner determines
17 that the order to provide coverage of the child's health care expenses should not
18 remain in effect, the court shall provide notice to the employer that the order is no
19 longer in effect.

20 **SECTION 193.** 767.62 (4) (d) 1. of the statutes is amended to read:

21 767.62 (4) (d) 1. Except as provided in par. (e), the court or family circuit court
22 commissioner shall determine child support payments under par. (a) by using the
23 percentage standard established by the department under s. 49.22 (9).

24 **SECTION 194.** 767.62 (4) (d) 2. of the statutes is amended to read:

1 767.62 (4) (d) 2. In determining child support payments under par. (a), the
2 court or ~~family circuit~~ court commissioner may consider all relevant financial
3 information or other information relevant to the parent's earning capacity, including
4 information reported under s. 49.22 (2m) to the department or the county child
5 support agency under s. 59.53 (5).

6 SECTION 195. 767.62 (4) (e) (intro.) of the statutes is amended to read:

7 767.62 (4) (e) (intro.) Upon request by a party, the court or ~~family circuit~~ court
8 commissioner may modify the amount of child support payments determined under
9 par. (d) if, after considering the following factors, the court or ~~family circuit~~ court
10 commissioner finds by the greater weight of the credible evidence that use of the
11 percentage standard is unfair to the child or to the requesting party:

12 SECTION 196. 767.62 (4) (e) 14. of the statutes is amended to read:

13 767.62 (4) (e) 14. Any other factors that the court or ~~family circuit~~ court
14 commissioner in each case determines are relevant to the best interests of the child.

15 SECTION 197. 767.62 (4) (f) of the statutes is amended to read:

16 767.62 (4) (f) If the court or ~~family circuit~~ court commissioner finds under par.
17 (e) that use of the percentage standard is unfair to the child or the requesting party,
18 the court or ~~family circuit~~ court commissioner shall state in writing or on the record
19 the amount of support that would be required by using the percentage standard, the
20 amount by which the court's or ~~family circuit~~ court commissioner's order deviates
21 from that amount, the reasons for finding that use of the percentage standard is
22 unfair to the child or the party, the reasons for the amount of the modification and
23 the basis for the modification.

24 SECTION 198. 769.102 of the statutes is amended to read:

1 **769.102 Tribunal of this** state. The courts and circuit court commissioners
2 are the tribunal of this state.

3 **SECTION 199.** 769.302 of the statutes is amended to read:

4 **769.302 Action by minor parent.** A minor parent, or a guardian or other
5 legal representative of a minor parent, may maintain a proceeding on behalf of or for
6 the benefit of the minor's child. Notwithstanding s. 767.045 (1) or 803.01 (3), the
7 court may appoint a guardian ad litem for the minor's child, but the court need not
8 appoint a guardian ad litem for a minor parent who maintains such a proceeding
9 unless the proceeding is one for the determination of parentage, in which case the
10 court or a family circuit court commissioner shall appoint a guardian ad litem for a
11 minor parent within this state who maintains such a proceeding or for a minor within
12 this state who is alleged to be a parent, as provided in s. 767.475 (1).

13 **SECTION 200.** 782.01 (3) of the statutes is amended to read:

14 **782.01 (3)** In this chapter, unless the context requires otherwise, judge includes
15 the supreme court, the court of appeals and circuit courts and each justice and judge
16 thereof and circuit court commissioners; and prisoner includes every person
17 restrained of personal liberty; and imprisoned includes every such restraint, and
18 respondent means the person on whom the writ is to be served.

19 **SECTION 201.** 782.03 of the statutes is amended to read:

20 **782.03 Petition for writ.** Application for the writ shall be by petition, signed
21 either by the prisoner or by some person in his or her behalf, and may be made to the
22 supreme court, the court of appeals or the circuit court of the county, or to any justice
23 or judge of the supreme court, court of appeals or circuit court or to any circuit court
24 commissioner, within the county where the prisoner is detained; or if there is no
25 judge within the county, or for any cause he or she is incapable of acting, or has

1 refused to grant the writ, then to some judge residing in an adjoining county; but
2 every application, made by or on behalf of a person sentenced to the state prisons,
3 must contain a copy of any motion made under s. 974.06 and shall indicate the
4 disposition of the motion and the court in which the disposition was made. If no
5 motion was made, the petition shall so state.

6 SECTION 202. 782.28 of the statutes is amended to read:

7 **782.28** (title) **Transfer from circuit or supplemental court**
8 **commissioner.** If the writ is returnable before a circuit court commissioner, either
9 party may make a request for transfer to the court in which the matter is filed. Upon
10 receipt of such request the circuit court commissioner shall forthwith transmit all
11 papers and records in the proceedings to the court.

12 SECTION 203. 799.05 (7) (intro.) of the statutes is amended to read:

13 799.05 (7) (title) FORM; CIRCUIT COURT COMMISSIONER. (intro.> Except as
14 provided in s. 799.22 (4) (b) 3., in counties ~~establishing at least a part-time or~~
15 ~~full-time court commissioner position under s. 757.68 (1) (b) in which a circuit court~~
16 commissioner is authorized to assist in the administration of matters under this
17 chanter, the summons shall be substantially in the following form:

18 SECTION 204. 799.06 (1) of the statutes is amended to read:

19 799.06 (1) PLEADINGS. All pleadings except the initial complaint may be oral.
20 Any circuit court may by rule require written pleadings and any judge or circuit court
21 commissioner may require written pleadings in a particular case.

22 SECTION 205. 799.11 (3) of the statutes is amended to read:

23 799.11 (3) When, in any action under this chapter, it appears from the return
24 of service of the summons or otherwise that the county in which the action is pending
25 is not a proper place of trial and that another county would be a proper place of trial,

1 the court or circuit court commissioner shall, on motion of a party or its own motion,
2 transfer the action to that county unless the defendant appears and waives the
3 improper venue. The clerk of the court to which the action is transferred shall issue
4 a new notice of return date upon payment of the fee required by s. 814.61 (2) (a).

5 **SECTION 206.** 799.20 (4) of the statutes is amended to read:

6 **799.20 (4) INQUIRY OF DEFENDANT WHO APPEARS ON RETURN DATE.** If the defendant
7 appears on the return date of the summons or any adjourned date thereof, the court
8 or circuit court commissioner shall make sufficient inquiry of the defendant to
9 determine whether the defendant claims a defense to the action. If it appears to the
10 court or circuit court commissioner that the defendant claims a defense to the action,
11 the court or circuit court commissioner shall schedule a trial of all the issues involved
12 in the action, unless the parties stipulate otherwise or the action is subject to
13 immediate dismissal.

14 **SECTION 207.** 799.206 of the statutes is repealed.

15 **SECTION 208.** 799.207 (title) of the statutes is amended to read:

16 799.207 (title) **Proceedings before circuit court commissioner.**

17 **SECTION 209.** 799.207 (1) (a) of the statutes is amended to read:

18 **799.207 (1) (a)** Any circuit court commissioner assigned to assist in the
19 administration of small claims may hold a conference with the parties or their
20 attorneys or both on the return date, examine pleadings and identify issues.

21 **SECTION 210.** 799.207 (1) (b) of the statutes is amended to read:

22 799.207 (1) (b) Except as provided in par. (e), a decision shall be rendered by
23 the circuit court commissioner on the return date if there is time available for a
24 hearing, the parties do not intend to call witnesses, and the parties agree to such a

1 hearing. If for any of the reasons stated in this paragraph, the matter cannot be
2 heard on the return date, an adjourned date shall be set.

3 **SECTION 211.** 799.207 (1) (e) of the statutes is amended to read:

4 799.207 (1) (e) If the circuit court commissioner cannot reach a decision on the
5 return or adjourned date, the commissioner shall mail the decision to each party
6 within 30 days of the date of the hearing.

7 **SECTION 212.** 799.207 (2) (intro.) of the statutes is amended to read:

8 799.207 (2) (intro.) The circuit court commissioner's decision shall become a
9 judgment 11 days after rendering, if oral, and 16 days after mailing, if written, except
10 that:

11 **SECTION 213.** 799.207 (3) (b) of the statutes is amended to read:

12 799.207 (3) (b) The circuit court commissioner shall give each of the parties a
13 form and instructions which shall be used for giving notice of an election to have the
14 matter heard by the court.

15 **SECTION 214.** 799.209 (1) to (4) of the statutes are amended to read:

16 799.209 (1) The court or circuit court commissioner shall conduct the
17 proceeding informally, allowing each party to present arguments and proofs and to
18 examine witnesses to the extent reasonably required for full and true disclosure of
19 the facts.

20 (2) The proceedings shall not be governed by the common law or statutory rules
21 of evidence except those relating to privileges under ch. 905 or to admissibility under
22 s. 901.05. The court or circuit court commissioner shall admit all other evidence
23 having reasonable probative value, but may exclude irrelevant or repetitious
24 evidence or arguments. An essential finding of fact may not be based solely on a

1 declarant's oral hearsay statement unless it would be admissible under the rules of
2 evidence.

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

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

10 **SECTION 215.** 799.21 (3) (b) of the statutes is amended to read:

11 799.21 (3) (b) I n c o u n t i e s)
12 ~~commissioner position under s. 757.68 (1)(b) in which a circuit court commissioner~~
13 ~~is authorized to assist in the administration of matters under this chapter, except in~~
14 eviction actions which shall be governed by par. (a), demand for trial by jury shall be
15 made at the time a demand for trial is filed. If the party requesting a trial does not
16 request a jury trial, any other party may request a jury trial by filing the request with
17 the court and mailing copies to all other parties within 15 days from the date of
18 mailing of the demand for trial or the date on which personal notice of demand is
19 given, whichever is applicable. If no party demands a trial by jury, the right to trial
20 by jury is waived forever. The fees prescribed in ss. 814.61 (4) and 814.62 (3) (e) shall
21 be paid when the demand for a trial by jury is filed.

22 **SECTION 216.** 799.21 (4) of the statutes is amended to read:

23 799.21 (4) JURY PROCEDURE. If there is a demand for a trial by jury, the judge
24 or circuit court commissioner shall place the case on the trial calendar and a jury of
25 6 persons shall be chosen as provided in s. 345.43 (3) (b). The parties shall proceed

1 as if the action had originally been begun as a proceeding under chs. 801 to 807,
2 except that the court is not required to provide the jury with one complete set of
3 written instructions under s. 805.13 (4) and the requirements for appearance by the
4 parties shall be governed by s. 799.06 (2).

5 SECTION 217. 799.24 (1) of the statutes is amended to read:

6 799.24 (1) **ENTRY OF JUDGMENT OR ORDER; NOTICE OF ENTRY THEREOF.** When a
7 judgment or an order is rendered, the judge, circuit court commissioner or clerk of
8 circuit court shall immediately enter it in the court record and note the date thereof
9 which shall be the date of entry of judgment or order. The clerk of circuit court, except
10 in municipal and county forfeiture actions, shall mail a notice of entry of judgment
11 to the parties or their attorneys at their last-known address within 5 days of its
12 entry. Upon payment of the exact amount of the fee prescribed in s. 814.62 (3) (c),
13 the clerk of circuit court shall enter the judgment in the judgment and lien docket.

14 SECTION 218. 799.24 (3) of the statutes is amended to read:

15 799.24 (3) **STIPULATED DISMISSAL.** Prior to the entry of judgment, upon
16 stipulation of the parties to a schedule for compliance with the stipulation, the court
17 or circuit court commissioner may enter a stipulated judgment of dismissal in lieu
18 thereof. Any such judgment may be vacated without notice to the obligated party,
19 and the unsatisfied portion thereof entered, upon application by the prevailing party
20 and proof by affidavit of noncompliance with the terms of the stipulation.

21 SECTION 219. 799.26 (1) of the statutes is amended to read:

22 799.26 (1) When a judgment for money damages is entered under this chapter,
23 the court or circuit court commissioner shall order the judgment debtor to execute
24 under penalty of contempt a disclosure statement and to mail or deliver that
25 statement to the judgment creditor or to the clerk of circuit court in the county where

1 the judgment is entered within 15 days of entry of judgment unless the judgment is
2 sooner satisfied. The statement shall disclose, as of the date of judgment, the debtor's
3 name, residence address, employers and their addresses, any real property interests
4 owned by the debtor, cash on hand, financial institutions in which the judgment
5 debtor has funds on deposit, whether the debtor's earnings are totally exempt from
6 garnishment under s. 812.34 (2) (b), and such other information as required by the
7 schedules adopted under sub. (3).

8 **SECTION 220.** 807.04 (1) of the statutes, as affected by 1997 Wisconsin Act 133,
9 is amended to read:

10 807.04 (1) Except as provided under sub. (2), all trials, and all hearings at
11 which oral testimony is to be presented, shall be held in open court. The court may
12 make any order which a judge or a circuit or supplemental court commissioner has
13 power to make. ~~Court commissioners shall have the powers provided in ch. 753 or~~
14 ~~by other statute.~~

15 **SECTION 221.** 807.09 (1) of the statutes is amended to read:

16 807.09 (1) A circuit judge of the circuit court of any county may appoint and
17 remove at any time, any retired or former circuit or county court judge to act, in
18 matters referred by the judge and in conciliation matters. When a matter for
19 conciliation is referred for such purpose, the conciliator shall have full authority to
20 hear, determine and report findings to the court. Such conciliators may be appointed
21 circuit court commissioners as provided in s. 757.68 under SCR 75.02 (1).

22 **SECTION 222.** 812.30 (2) of the statutes is amended to read:

23 812.30 (2) "Court" includes a circuit court commissioner assigned to preside at
24 a proceeding under this subchapter.

25 **SECTION 223.** 813.025 (1) of the statutes is amended to read:

1 813.025 **(1)** No ~~circuit or supplemental~~ court commissioner ~~shall~~ may issue any
2 injunction or order suspending **or** restraining the enforcement or execution of any
3 statute of the state or of any order of an administrative officer, board, department,
4 commission or other state agency purporting to be made pursuant to the statutes of
5 the state. If so issued ~~such, the~~ injunction or order shall be void.

6 **SECTION 224.** 813.12 (2) (a) of the statutes is amended to read:

7 813.12 (2) (a) No action under this section may be commenced by complaint and
8 summons. An action under this section may be commenced only by a petition
9 described under sub. (5) (a). The action commences with service of the petition upon
10 the respondent if a copy of the petition is filed before service or promptly after service.
11 If the judge or ~~family circuit~~ court commissioner extends the time for a hearing under
12 sub. (3) (c) and the petitioner files an affidavit with the court stating that personal
13 service by the sheriff or a private server under s. 801.11 (1) (a) or (b) was unsuccessful
14 because the respondent is avoiding service by concealment or otherwise, the
15 petitioner may serve the respondent by publication of the petition as a class 1 notice,
16 under ch. 985, and by mailing if the respondent's post-office address is known or can
17 with due diligence be ascertained. The mailing may be omitted if the post-office
18 address cannot be ascertained with due diligence.

19 **SECTION 225.** 813.12 (2) (b) of the statutes is amended to read:

20 813.12 (2) (b) A petition may be filed in conjunction with an action affecting the
21 family commenced under ch. 767, but commencement of an action affecting the
22 family or any other action is not necessary for the filing of a petition or the issuance
23 of a temporary restraining order or an injunction. A judge or ~~family circuit~~ court
24 commissioner may not make findings or issue orders under s. 767.23 or 767.24 while
25 granting relief requested only under this section. Section 813.06 does not apply to

1 an action under this section. The respondent may respond to the petition either in
2 writing before or at the hearing on the issuance of the injunction or orally at that
3 hearing.

4 **SECTION 226.** 813.12 (3) (a) of the statutes is amended to read:

5 813.12 (3) (a) A judge or ~~family circuit~~ court commissioner shall issue a
6 temporary restraining order ordering the respondent to refrain from committing acts
7 of domestic abuse against the petitioner, to avoid the petitioner's residence, except
8 as provided in par, (am), or any premises temporarily occupied by the petitioner or
9 both, or to avoid contacting or causing any person other than a party's attorney to
10 contact the petitioner unless the petitioner consents in writing, or any combination
11 of these remedies requested in the petition, if all of the following occur:

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

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

23 **SECTION 227.** 813.12 (3) (am) of the statutes is amended to read:

24 813.12 (3) (am) If the petitioner and the respondent are not married, the
'25 respondent owns the premises where the petitioner resides and the petitioner has

1 no legal interest in the premises, in lieu of ordering the respondent to avoid the
2 petitioner's residence under par. (a) the judge or ~~family circuit~~ court commissioner
3 may order the respondent to avoid the premises for a reasonable time until the
4 petitioner relocates and shall order the respondent to avoid the new residence for the
5 duration of the order.

6 **SECTION 228.** 813.12 (3) (c) of the statutes is amended to read:

7 813.12 (3) (c) The temporary restraining order is in effect until a hearing is held
8 on issuance of an injunction under sub. (4). The temporary restraining order is not
9 voided if the respondent is admitted into a dwelling that the order directs him or her
10 to avoid. A judge or ~~family circuit~~ court commissioner shall hold a hearing on
11 issuance of an injunction within 7 days after the temporary restraining order is
1 2 issued, unless the time is extended upon the written consent of the parties or
13 extended once for 14 days upon a finding that the respondent has not been served
14 with a copy of the temporary restraining order although the petitioner has exercised
15 due diligence.

16 **SECTION 229.** 813.12 (3) (d) of the statutes is amended to read:

17 813.12 (3) (d) The judge or ~~circuit court~~ commissioner shall advise the
1 8 petitioner of the right to serve the respondent the petition by published notice if with
19 due diligence the respondent cannot be served as provided under s. 801.11 (1) (a) or
20 (b). The clerk of circuit court shall assist the petitioner with the preparation of the
21 notice and filing of the affidavit of printing.

22 **SECTION 230.** 813.12 (4) (a) (intro.) of the statutes is amended to read:

23 813.12 (4) (a) (intro.) A judge or ~~family circuit~~ court commissioner may grant
24 an injunction ordering the respondent to refrain from committing acts of domestic
25 abuse against the petitioner, to avoid the petitioner's residence, except. as provided

1 in par. (am), or any premises temporarily occupied by the petitioner or both, or to
2 avoid contacting or causing any person other than a party's attorney to contact the
3 petitioner unless the petitioner consents to that contact in writing, or any
4 combination of these remedies requested in the petition, if all of the following occur:

5 **SECTION 231.** 813.12 (4) (a) 3. of the statutes is amended to read:

6 813.12 (4) (a) 3. After hearing, the judge or ~~family circuit~~ court commissioner
7 finds reasonable grounds to believe that the respondent has engaged in, or based
8 upon prior conduct of the petitioner and the respondent may engage in, domestic
9 abuse of the petitioner. In determining whether to issue an injunction, the judge or
10 ~~family circuit~~ court commissioner shall consider the potential danger posed to the
11 petitioner and the pattern of abusive conduct of the respondent but may not base his
12 or her decision solely on the length of time since the last domestic abuse or the length
13 of time since the relationship ended. The judge or ~~family circuit~~ court commissioner
14 may grant only the remedies requested by the petitioner.

15 **SECTION 232.** 813.12 (4) (am) of the statutes is amended to read:

16 813.12 (4) (am) If the petitioner and the respondent are not married, the
17 respondent owns the premises where the petitioner resides and the petitioner has
18 no legal interest in the premises, in lieu of ordering the respondent to avoid the
19 petitioner's residence under par. (a) the judge or ~~family circuit~~ court commissioner
20 may order the respondent to avoid the premises for a reasonable time until the
21 petitioner relocates and shall order the respondent to avoid the new residence for the
22 duration of the order.

23 **SECTION 233.** 813.12 (4) (b) of the statutes is amended to read:

24 813.12 (4) (b) The judge or ~~family circuit~~ court commissioner may enter an
25 injunction only against the respondent named in the petition. No injunction may be

1 issued under this subsection under the same case number against the person
2 petitioning for the injunction. The judge or ~~family circuit~~ court commissioner may
3 not modify an order restraining the respondent based solely on the request of the
4 respondent.

5 **SECTION 234.** 813.12 (4m) (a) 2. of the statutes is amended to read:

6 813.12 (4m) (a) 2. Except as provided in par. (ag), require the respondent to
7 surrender any firearms that he or she owns or has in his or her possession to the
8 sheriff of the county in which the action under this section was commenced, to the
9 sheriff of the county in which the respondent resides or to another person designated
10 by the respondent and approved by the judge or ~~family circuit~~ court commissioner.
11 The judge or circuit court commissioner shall approve the person designated by the
12 respondent unless the judge or circuit court commissioner finds that the person is
13 inappropriate and places the reasons for the finding on the record. If a firearm is
14 surrendered to a person designated by the respondent and approved by the judge or
15 ~~family circuit~~ court commissioner, the judge or ~~family circuit~~ court commissioner
16 shall inform the person to whom the firearm is surrendered of the requirements and
17 penalties under s. 941.29 (4).

18 **SECTION 235.** 813.12 (4m) (b) (intro.) of the statutes is amended to read:

19 813.12 (4m) (b) (intro.) A firearm surrendered under par. (a) 2. may not be
20 returned to the respondent until a judge or ~~family circuit~~ court commissioner
21 determines all of the following:

22 **SECTION 236.** 813.12 (4m) (b) 2. of the statutes is amended to read:

23 813.12 (4m) (b) 2. That the person is not prohibited from possessing a firearm
24 under any state or federal law or by the order of any federal court or state court, other

1 than an order from which the judge or family circuit court commissioner is competent
2 to grant relief.

3 **SECTION 237.** 813.12 (5) (c) of the statutes is amended to read:

4 813.12 (5) (c) A judge or family circuit court commissioner shall accept any
5 legible petition for a temporary restraining order or injunction.

6 **SECTION 238.** 813.12 (6) (a) of the statutes is amended to read:

7 813.12 (6) (a) If an order is issued under this section, upon request by the
8 petitioner the court or family circuit court commissioner shall order the sheriff to
9 accompany the petitioner and assist in placing him or her in physical possession of
10 his or her residence or to otherwise assist in executing or serving the temporary
11 restraining order or injunction. The petitioner may, at the petitioner's expense, use
12 a private process server to serve papers on the respondent.

13 **SECTION 239.** 813.12 (7m) of the statutes is amended to read:

14 813.12 (7m) **TRANSCRIPTS.** The judge or family circuit court commissioner shall
15 record the temporary restraining order or injunction hearing upon the request of the
16 p e t i t i o n e r .

17 **SECTION 240. 813.122 (3)** (a) of the statutes is amended to read:

18 813.122 (3) (a) Procedure for an action under this section is in 2 parts. First;
19 if the petitioner requests a temporary restraining order, the court or circuit court
20 commissioner shall issue or refuse to issue that order. Second, the court shall hold
21 a hearing under sub. (5) on whether to issue an injunction, which is the final relief.
22 If the court or circuit court commissioner issues a temporary restraining order, the
23 order shall set forth the date for the hearing on an injunction. If the court or circuit
24 court commissioner does not issue a temporary restraining order, the date for the
25 hearing shall be set upon motion by either party.

1 **SECTION 241.** 813.122 (3) (b) (intro.) of the statutes is amended to read:

2 813.122 (3) (b) (intro.) The court or circuit court commissioner, on its or his or
3 her own motion or the motion of any party, may order one or more of the following:

4 **SECTION 242.** 813.122 (3) (bm) of the statutes is amended to read:

5 813.122 (3) (bm) The court or circuit court commissioner shall appoint a
6 guardian ad litem if the respondent is a parent of the child.

7 **SECTION 243.** 813.122 (4) (a) (intro.) of the statutes is amended to read:

8 813.122 (4) (a) (intro.) A judge or circuit court commissioner shall issue a
9 temporary restraining order ordering the respondent to avoid the child victim's
10 residence or any premises temporarily occupied by the child victim or both, and to
11 avoid contacting or causing any person other than a party's attorney to contact the
12 child victim unless the petitioner consents in writing and the judge or circuit court
13 commissioner agrees that the contact is in the best interests of the child victim, if all
14 of the following occur:

15 **SECTION 244.** 813.122 (4) (a) 1. of the statutes is amended to read:

16 813.122 (4) (a) 1. The petitioner submits to the judge or circuit court
17 commissioner a petition alleging the elements set forth under sub. (6) (a).

18 **SECTION 245.** 813.122 (4) (a) 2. of the statutes is amended to read:

19 813.122 (4) (a) 2. The judge or circuit court commissioner finds reasonable
20 grounds to believe that the respondent has engaged in, or based on prior conduct of
21 the child victim and the respondent may engage in, abuse of the child victim.

22 **SECTION 246.** 813.122 (5m) (a) 2. of the statutes is amended to read:

23 813.122 (5m) (a) 2. Except as provided in par. (ag), require the respondent to
24 surrender any firearms that he or she owns or has in his or her possession to the
25 sheriff of the county in which the action under this section was commenced, to the

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

10 **SECTION 247.** 813.122 (5m) (b) (intro.) of the statutes is amended to read:

11 813.122 (5m) (b) (intro.) A firearm surrendered under par. (a) 2. may not be
12 returned to the respondent until a judge or circuit court commissioner determines
13 all of the following:

14 **SECTION 248.** 813.122 (5m) (b) 2. of the statutes is amended to read:

15 813.122 (5m) (b) 2. That the person is not prohibited from possessing a firearm
16 under any state or federal law or by the order of any federal court or state court, other
17 than an order from which 'the judge or circuit court commissioner is competent to
18 grant relief.

19 **SECTION 249.** 813.122 (9) (a) of the statutes is amended to read:

20 813.122 (9) (a) If an order is issued under this section, upon request by the
21 petitioner, the court or circuit court commissioner, as applicable, shall order the
22 sheriff to assist in executing or serving the temporary restraining order or
23 injunction.

24 **SECTION 250.** 813.123 (3) (a) of the statutes is amended to read:

1 813.123 (3) (a) Procedure for an action under this section is in 2 parts. First,
2 if the petitioner requests a temporary restraining order, the court or circuit court
3 commissioner shall issue or refuse to issue that order. Second, the court shall hold
4 a hearing under sub. (5) on whether to issue an injunction, which is the final relief.
5 If the court or circuit court commissioner issues a temporary restraining order, the
6 order shall set forth the date for the hearing on an injunction. If the court or circuit
7 court commissioner does not issue a temporary restraining order, the date for the
8 hearing shall be set upon motion by either party.

9 **SECTION 251.** 813.123 (3) (b) (intro.) of the statutes is amended to read:

10 813.123 (3) (b) (intro.) The court or circuit court commissioner, on its or his or
11 her own motion or the motion of any party, may order one or more of the following:

12 **SECTION 252.** 813.123 (4) (a) of the statutes is amended to read:

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

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

22 2. The judge or circuit court commissioner finds reasonable grounds to believe
23 that the respondent has interfered with, or based on prior conduct of the respondent
24 may interfere with, an investigation of the vulnerable adult under s. 55.043, the

1 delivery of protective services to the vulnerable adult under s. 55.05 or a protective
2 placement of the vulnerable adult under s. 55.06.

3 **SECTION 253.** 813.123 (8) (a) of the statutes is amended to read:

4 813.123 (8) (a) If an order is issued under this section, upon request by the
5 petitioner, the court or circuit court commissioner shall order the sheriff to assist in
6 executing or serving the temporary restraining order or injunction.

7 **SECTION 254.** 813.125 (3) (a) (intro.) of the statutes is amended to read:

8 813.125 (3) (a) (intro.) A judge or circuit court commissioner may issue a
9 temporary restraining order ordering the respondent to cease or avoid the
10 harassment of another person, if all of the following occur:

11 **SECTION 255.** 813.125 (3) (a) 2. of the statutes is amended to read:

12 813.125 (3) (a) 2. The judge or circuit court commissioner finds reasonable
13 grounds to believe that the respondent has violated s. 947.013.

14 **SECTION 256.** 813.125 (3) (c) of the statutes is amended to read:

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

22 **SECTION 257.** 813.125 (4) (a) (intro.) of the statutes is amended to read:

23 813.125 (4) (a) (intro.) A judge or circuit court commissioner may grant an
24 injunction ordering the respondent to cease or avoid the harassment of another
a 25 person, if all of the following occur:

1 **SECTION 258.** 813.125 (4) (a) 2. of the statutes is amended to read:

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

9 **SECTION 259.** 813.125 (4) (a) 3. of the statutes is amended to read:

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

12 **SECTION 260.** 813.125 (4m) (a) of the statutes is amended to read:

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

19 **SECTION 261.** 813.125 (4m) (c) 2. of the statutes is amended to read:

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

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

7 **SECTION 262.** 813.125 (4m) (d) (intro.) of the statutes is amended to read:

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

11 **SECTION 263.** 813.125 (4m) (d) 2. of the statutes is amended to read:

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

16 **SECTION 264.** 813.125 (5) (am) of the statutes is amended to read:

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

21 **SECTION 265.** 814.615 (3) of the statutes is amended to read:

22 814.615 (3) The court or ~~family~~ circuit court commissioner shall direct either
23 or both parties to pay any applicable fee under this section. If either or both parties
24 are unable to pay, the court shall grant a separate judgment for the amount of the
25 fees in favor of the county and against the party or parties responsible for the fees.

1 **SECTION 266.** 814.68 of the statutes is repealed.

2 **SECTION 267.** 816.03 (1) (b) of the statutes is amended to read:

3 816.03 (1) (b) A circuit or supplemental court commissioner upon application
4 of a judgment creditor shall order any judgment debtor to appear before the court
5 commissioner and answer concerning the judgment debtor's property at a time and
6 place specified in the order, within said county, in lieu of the procedure set forth in
7 par.-(a).

8 **SECTION 268.** 816.035 (1) and (2) of the statutes are amended to read:

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

14 (2) Upon issuance of the order, the circuit or supplemental court commissioner
15 shall collect the fee prescribed in s. ~~814.68 (2)~~ 753.36 (6) for attendance upon the
16 examination.

17 **SECTION 269.** 818.02 (6) of the statutes is amended to read:

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

24 **SECTION 270.** 879.61 of the statutes is amended to read:

1 **879.61 Discovery proceedings.** Any personal representative or any person
2 interested who suspects that any other person has concealed, stolen, conveyed or
3 disposed of property of the estate; or is indebted to the decedent; possesses, controls
4 or has knowledge of concealed property of the decedent; possesses, controls or has
5 knowledge of writings which contain evidence of or tend to disclose the right, title,
6 interest or claim of the decedent to any property; or possesses, controls or has
7 knowledge of any will of the decedent, may file a petition in the court so stating. The
8 court upon such notice as it directs, may order the other person to appear before the
9 court or a circuit or sunnlemental court commissioner for disclosure, may subpoena
10 witnesses and compel the production of evidence and may make any order in relation
11 to the matter as is just and proper.

12 **SECTION 271.** 885.10 of the statutes is amended to read:

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

25 **SECTION 272.** 885.12 of the statutes is amended to read:

1 **885.12 Coercing witnesses before officers and boards.** If any person,
2 without reasonable excuse, fails to attend as a witness, or to testify as lawfully
3 required before any arbitrator, coroner, medical examiner, board, commission,
4 commissioner, examiner, committee, or other officer or person authorized to take
5 testimony, or to produce a book or paper which the person was lawfully directed to
6 bring, or to subscribe the person's deposition when correctly reduced to writing, any
7 judge of a court of record or a circuit or supplemental court commissioner in the
8 county where the person was obliged to attend may, upon sworn proof of the facts,
9 issue an attachment for the person, and unless the person shall purge the contempt
10 and go and testify or do such other act as required by law, may commit the person
11 to close confinement in the county jail until the person shall so testify or do such act,
12 or be discharged according to law. The sheriff of the county shall execute the
13 commitment.

14 **SECTION 273.** 887.26 (7) of the statutes is amended to read:

15 **887.26 (7) FEES.** The persons who take depositions and the witness shall be
16 entitled to the fees allowed supplemental court commissioners under s. ~~814.68 (1)~~
17 753.36 (6) and witnesses for similar service by the law of this state, or such as may
18 be prescribed by the law of the state or country where taken.

19 **SECTION 274.** 898.02 of the statutes is amended to read:

20 **898.02 Notice to plaintiff.** The person shall cause notice to be given to the
21 plaintiff in the action, the plaintiff's agent or attorney, in writing, that at a time and
22 place specified in the notice the person will apply to the circuit judge or circuit court
23 commissioner of the county in which the person is so confined for the purpose of
24 obtaining a discharge from imprisonment.

25 **SECTION 275.** 898.04 of the statutes is amended to read:

1 **898.04 Prisoner to be examined.** At the time and place specified in the
2 notice the person shall be taken, under the custody of the jailer, the sheriff or the
3 sheriff's deputy, before the circuit judge or ~~circuit or sunnlemental~~ court
4 commissioner, who shall examine the prisoner on oath concerning his or her estate
5 and effects and the disposal thereof and the prisoner's ability to pay the judgment
6 for which he or she is committed; and who shall also hear any other legal and
7 pertinent evidence that may be produced by the debtor or the creditor.

8 **SECTION 276.** 898.11 of the statutes is amended to read:

9 **898.11 Inability to pay fees.** If the prisoner is unable to pay in whole or in
10 part the fees of the circuit ~~judge or court commissioner~~ in the proceedings, the
11 proceedings shall continue without charge to the prisoner.

12 **SECTION 277.** 906.15 (1) of the statutes is amended to read:

13 906.15 **(1)** At the request of a party, the judge or circuit court commissioner
14 shall order witnesses excluded so that they cannot hear the testimony of other
15 witnesses. The judge or circuit court commissioner may also make the order of his
16 or her own motion.

17 **SECTION 278.** 906.15 (2) (d) of the statutes is amended to read:

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

25 **SECTION 279.** 906.15 (3) of the statutes is amended to read:

1 906.15 (3) The judge or circuit court commissioner may direct that all excluded
2 and non-excluded witnesses be kept separate until called and may prevent them
3 from communicating with one another until they have been examined or the hearing
4 is ended.

5 SECTION 280. 911.01 (1) of the statutes is amended to read:

6 911.01 (1) **COURTS AND COURT COMMISSIONERS.** Chapters 901 to 911 apply to the
7 courts of the state of Wisconsin, including municipal courts,
8 ~~commissioners,~~ and court commissioners, in the proceedings and to the extent
9 hereinafter set forth except as provided in s. 972.11. The word "judge" in chs. 901 to
10 911 means judge of a court of record, ~~a~~ municipal judge, ~~family a circuit or~~
11 ~~supplemental~~ court commissioner, ~~and or a municipal~~ court commissioner.

 ****NOTE: As drafted, this section includes circuit, supplemental and municipal
court commissioners.

12 SECTION 281. 938.065 (title) of the statutes is amended to read:

13 **938.065 (title) Juvenile Circuit court commissioners in matters**
14 **affecting juveniles.**

15 SECTION 282. 938.065 (1) of the statutes is amended to read:

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

23 The chief judge may assign law clerks, bailiffs and deputies to the circuit court

1 commissioner. The chief judge shall supervise ~~juvenile court commissioners~~, law
2 clerks, bailiffs and deputies, except that the chief judge may delegate any of those
3 duties.

4 **SECTION 283.** 938.065 (2) (intro.) of the statutes is amended to read:

5 938.065 (2) (intro.) Under this chapter a juvenile circuit court commissioner,
6 if authorized to do so by a judge, may do any of the following:

7 **SECTION 284.** 938.065 (3) (intro.) of the statutes is amended to read:

8 938.065 (3) (intro.) The juvenile circuit court commissioner may not do any of
9 the following:

10 **SECTION 285.** 938.065 (4) of the statutes is amended to read:

11 938.065 (4) When acting officially, the juvenile circuit court commissioner shall
12 sit at the courthouse or the usual court facility for juvenile delinquency matters. Any
13 decision of the juvenile circuit court commissioner shall be reviewed by the judge
14 upon the request of any interested party.

15 **SECTION 286.** 938.208 (4) of the statutes is amended to read:

16 938.208 (4) Probable cause exists to believe that the juvenile, having been
17 placed in nonsecure custody by an intake worker under s. 938.207 or by the judge or
18 juvenile circuit court commissioner under s. 938.21 (4), has run away or committed
19 a delinquent act and no other suitable alternative exists.

20 **SECTION 287.** 938.21 (1) (a) of the statutes is amended to read:

21 938.21 (1) (a) If a juvenile who has been taken into custody is not released
22 under s. 938.20, a hearing to determine whether the juvenile shall continue to be held
23 in custody under the criteria of ss. 938.205 to 938.209 (1) shall be conducted by the
24 judge or juvenile circuit court commissioner within 24 hours after the end of the day
25 that the decision to hold the juvenile was made, excluding Saturdays, Sundays and

1 legal holidays. -By the time of the hearing a petition under s. 938.25 shall be filed,
2 except that no petition need be filed where a juvenile is taken into custody under s.
3 938.19 (1) (b) or (d) 2., 6. or 7. or where the juvenile is a runaway from another state,
4 in which case a written statement of the reasons for holding a juvenile in custody
5 shall be substituted if the petition is not filed. If no hearing has been held within 24
6 hours or if no petition or statement has been filed at the time of the hearing, the
7 juvenile shall be released except as provided in par. (b). A parent not present at the
8 hearing shall be granted a rehearing upon request.

9 **SECTION 288.** 938.21 (1) (b) of the statutes is amended to read:

10 938.21 (1) (b) If no petition has been filed by the time of the hearing, a juvenile
11 may be held in custody with the approval of the judge or ~~juvenile~~ juvenile circuit court
12 commissioner for an additional 48 hours from the time of the hearing only if, as a
13 result of the facts brought forth at the hearing, the judge or ~~juvenile~~ juvenile circuit court
14 commissioner determines that probable cause exists to believe that the juvenile is
15 an imminent danger to himself or herself or to others, or that probable cause exists
16 to believe that the parent, guardian or legal custodian of the juvenile or other
17 responsible adult is neglecting, refusing, unable or unavailable to provide adequate
18 supervision and care. The extension may be granted only once for any petition. In
19 the event of failure to file a petition within the 4-hour extension period provided
20 for in this paragraph, the judge or ~~juvenile~~ juvenile circuit court commissioner shall order the
21 juvenile's immediate release from custody.

22 **SECTION 289.** 938.21 (2) (c) of the statutes is amended to read:

23 938.21 (2) (c) Prior to the commencement of the hearing, the juvenile shall be
24 informed by the judge or ~~juvenile~~ juvenile circuit court commissioner of the allegations that
25 have been or may be made, the nature and possible consequences of this hearing as

1 compared to possible future hearings, the provisions of s. 938.18 if applicable, the
2 right to counsel under s. 938.23 regardless of ability to pay if the juvenile is not yet
3 represented by counsel, the right to remain silent, the fact that the silence may not
4 be adversely considered by the judge or ~~juvenile circuit~~ court commissioner, the right
5 to confront and cross-examine witnesses and the right to present witnesses.

6 **SECTION 290.** 938.21 (4) (intro.) of the statutes is amended to read:

7 938.21 (4)(intro.) If the judge or ~~juvenile circuit~~ court commissioner finds that
8 the juvenile should be continued in custody under the criteria of s. 938.205, he or she
9 shall enter one of the following orders:

10 **SECTION 291.** 938.21 (4m) of the statutes is amended to read:

11 938.21 (4m) **ELECTRONIC MONITORING.** The judge or ~~juvenile circuit~~ court
12 commissioner may include in an order under sub. (4) (a) or (b) a condition that the
13 juvenile be monitored by an electronic monitoring system.

14 **SECTION 292.** 938.21 (7) of the statutes is amended to read:

15 938.21 (7) **DEFERRED PROSECUTION.** If the judge or ~~juvenile circuit~~ court
16 commissioner determines that the best interests of the juvenile and the public are
17 served, he or she may enter a consent decree under s. 938.32 or order the petition
18 dismissed and refer the matter to the intake worker for deferred prosecution in
19 accordance with s. 938.245.

20 **SECTION 293.** 938.24 (5) of the statutes is amended to read:

21 938.24 (5) The intake worker shall request that a petition be filed, enter into
22 a deferred prosecution agreement or close the case within 40 days or sooner of receipt
23 of referral information. Before entering into a deferred prosecution agreement, the
24 intake worker shall comply with s. 938.245 (lm), if applicable. If the case is closed
25 or a deferred prosecution agreement is entered into, the district attorney, corporation

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

19 **SECTION 294.** 938.245 (3) of the statutes is amended to read:

20 938.245 (3) The obligations imposed under a deferred prosecution agreement
21 and its effective date shall be set forth in writing. If the deferred prosecution
22 agreement places the juvenile in a youth village program under sub. (2) (a) 9., the
23 judge or ~~juvenile circuit~~ court commissioner shall receive written notice that a
24 deferred prosecution agreement has been entered into and, on receipt of that notice,
25 shall enter an order requiring compliance with that agreement. The juvenile and a

1 parent, guardian and legal custodian shall receive a copy of the agreement and order,
2 as shall any agency providing services under the agreement.

3 **SECTION 295.** 938.30 (9) of the statutes is amended to read:

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

8 **SECTION 296.** 938.32 (1) (a) of the statutes is amended to read:

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

21 **SECTION 297.** 938.32 (1d) of the statutes is amended to read:

22 938.32 (1d) If the petition alleges that the juvenile has committed an act that
23 would constitute a misdemeanor if committed by an adult, if the chief judge of the
24 judicial administrative district has approved under s. 973.11 (2) a volunteers in
25 probation program established in the juvenile's county of residence and if the judge

1 or juvenile circuit court commissioner determines that volunteer supervision under
2 that volunteers in probation program will likely benefit the juvenile and the
3 community, the judge or juvenile circuit court commissioner may establish as a
4 condition under sub. (1) that the juvenile be placed with that volunteers in probation
5 program under such conditions as the judge or juvenile circuit court commissioner
6 determines are reasonable and appropriate. These conditions may include, but need
7 not be limited to, any of the following:

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

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

13 **SECTION 298.** 938.32 (lg) (intro.) of the statutes is amended to read:

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

20 **SECTION 299.** 938.32 (1m) (intro.) and (a) of the statutes are amended to read:

21 **938.32 (1m)** The judge or juvenile circuit court commissioner may establish as
22 a condition under sub. (1) that the juvenile be placed in a teen court program if all
23 of the following conditions apply:

24 (a) The chief judge of the judicial administrative district has approved a teen
2 5 court program established in the juvenile's county of residence and the judge or

1 ~~juvenile circuit~~ court commissioner determines that participation in the teen court
2 program will likely benefit the juvenile and the community.

3 **SECTION 300.** 938.32 (It) (a) 1. of the statutes is amended to read:

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

22 **SECTION 301.** 938.32 (1t) (a) 1m. of the statutes is amended to read:

23 938.32 **(1t)** (a) 1m. If the petition alleges that the juvenile has committed a
24 delinquent act that has resulted in damage to the property of another, or in actual
25 physical injury to another excluding pain and suffering, the judge or ~~juvenile circuit~~

1 court commissioner may require a parent who has custody, as defined in s. 895.035
2 (1), of the juvenile, as a condition of the consent decree, to make reasonable
3 restitution for the damage or injury. Except for recovery for retail theft under s.
4 943.51, the maximum amount of any restitution ordered under this subdivision for
5 damage or injury resulting from any one act of a juvenile or from the same act
6 committed by 2 or more juveniles in the custody of the same parent may not exceed
7 the amount specified in s. 799.01 (1) (d). Any consent decree that includes a condition
8 of restitution by a parent who has custody of the juvenile shall include a finding that
9 the parent who has custody of the juvenile is financially able to pay the amount
10 ordered and may allow up to the date of the expiration of the consent decree for the
11 payment. Objection by the parent to the amount of damages claimed shall entitle the
12 parent to a hearing on the question of damages before the amount of restitution is
13 made part of the consent decree. Any recovery under this subdivision shall be
14 reduced by the amount recovered as restitution for the same act under subd. 1.

15 **SECTION 302.** 938.32 (1t) (a) 3. of the statutes is amended to read:

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

20 **SECTION 303.** 938.32 (1v) of the statutes is amended to read:

21 938.32 (1v) If the petition alleges that the juvenile is in need of protection or
22 services under s. 938.13 (6), the judge or ~~juvenile circuit~~ court commissioner may
23 establish as a condition under sub. (1) that the juvenile's parent, guardian or legal
24 custodian attend school with the juvenile.

25 **SECTION 304.** 938.32 (lx) of the statutes is amended to read:

1 938.32 (lx) If the petition alleges that the juvenile violated s. 943.017 and the
2 juvenile has attained the minimum age at which a juvenile may be adjudicated
3 delinquent, the judge or ~~juvenile circuit~~ court commissioner may require, as a
4 condition of the consent decree, that the juvenile participate for not less than 10
5 hours nor more than 100 hours in a supervised work program under s. 938.34 (5g)
6 or perform not less than 10 hours nor more than 100 hours of other community
7 service work, except that if the juvenile has not attained 14 years of age the
8 maximum number of hours is 40.

9 **SECTION 305.** 938.32 (2) (a) of the statutes is amended to read:

10 938.32 (2) (a) A consent decree shall remain in effect for up to one year unless
11 the juvenile, parent, guardian or legal custodian is discharged sooner by the judge
12 or ~~juvenile circuit~~ court commissioner.

13 **SECTION 306.** 938.32 (6) of the statutes is amended to read:

14 938.32 (6) The judge or ~~juvenile circuit~~ court commissioner shall inform the
15 juvenile and the juvenile's parent, guardian or legal custodian, in writing, of the
16 juvenile's right to object to the continuation of the consent decree under sub. (3) and
17 of the fact that the hearing under which the juvenile was placed on supervision may
18 be continued to conclusion as if the consent decree had never been entered.

19 **SECTION 307.** 940.203 (1) (b) of the statutes is amended to read:

20 940.203 (1) (b) "Judge" means a supreme court justice, court of appeals judge,
21 circuit court judge, municipal judge, temporary or permanent reserve judge or
22 ~~juvenile, probate, family or other~~ circuit, supplemental or municipal court
23 commissioner.

24 **SECTION 308.** 943.013 (1) (b) of the statutes is amended to read:

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

5 **SECTION 309.** 967.07 of the statutes is amended to read:

6 **967.07 Court Circuit court commissioners.** A circuit court commissioner
7 may exercise powers or perform duties specified for a judge if such action is permitted
8 under s. 757.69.

9 **SECTION 310.** 971.20 (3) (a) of the statutes is amended to read:

10 971.20 (3) (a) In this subsection, "judge" includes a circuit court commissioner
11 who is assigned to conduct the preliminary examination.

12 **SECTION 311.** 973.20 (13) (c) 4. of the statutes is amended to read:

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

22 **SECTION 312.** 977.05 (6) (b) 2. of the statutes is amended to read:

23 977.05 (6) (b) 2. The judge or ~~family~~ circuit court commissioner before whom
24 the proceedings shall be held certifies to the state public defender that the person will
25 not be incarcerated if he or she is found in contempt of court.

1 **SECTION 313.** 979.05 (1) of the statutes is amended to read:

2 979.05 (1) An inquest shall be conducted by a circuit judge or a circuit court
3 commissioner.

4 **SECTION 314.** 979.05 (2) of the statutes is repealed and recreated to read:

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

22 **SECTION 315.** 979.05 (3) of the statutes is repealed and recreated to read:

23 979.05 (3) The judge or circuit court commissioner shall examine on oath or
24 affirmation each person who is called as a juror to discover whether the juror is
25 related by blood or marriage to the decedent, any member of the decedent's family,

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

11 **SECTION 316.** 979.05 (4) of the statutes is amended to read:

12 979.05 (4) When 6 jurors have been selected, the judge or circuit court
13 commissioner shall administer to them an oath or affirmation which shall be
14 substantially in the following form:

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

21 **SECTION 317.** 979.05 (5) of the statutes is amended to read:

22 979.05 (5) Prior to the submission of evidence to the jury, the judge or circuit
23 court commissioner may instruct the jury on its duties and on the substantive law
24 regarding the issues which may be inquired into before the jury The district attorney
25 may, at any time during the course of the inquest, make statements to the jury

1 relating to procedural or evidentiary matters he or she and the judge or circuit court
2 commissioner deem appropriate. Section 972.12 applies to the conduct of the inquest
3 jury.

4 **SECTION 318.** 979.05 (6) of the statutes is amended to read:

5 979.05 (6) The judge or circuit court commissioner conducting the inquest may
6 order that proceedings be secret if the district attorney so requests or concurs.

7 **SECTION 319.** 979.06 (1) of the statutes is amended to read:

8 979.06 (1) The judge or circuit court commissioner may issue subpoenas for
9 witnesses at the request of the coroner or medical examiner and shall issue
10 subpoenas for witnesses requested by the district attorney. Subpoenas are
11 returnable at the time and place stated therein. Persons who are served with a
12 subpoena may be compelled to attend proceedings in the manner provided in s.
13 885.12.

14 **SECTION 320.** 979.06 (2) of the statutes is amended to read:

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

23 **SECTION 321.** 979.06 (3) of the statutes is amended to read:

24 979.06 (3) Any witness examined at an inquest may have counsel present
25 during the examination of that witness. The counsel may not examine or

1 cross-examine his or her client, cross-examine or call other witnesses or argue
2 before the judge or circuit court commissioner holding the inquest.

3 **SECTION 322.** 979.06 (4) (intro.) of the statutes is amended to read:

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

7 **SECTION 323.** 979.06 (5) of the statutes is amended to read:

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

14 **SECTION 324.** 979.08 (1) of the statutes is amended to read:

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

24 **SECTION 325.** 979.08 (3) (intro.) of the statutes is amended to read:

1 979.08 (3) (intro.) The jury shall retire to consider its verdict after hearing all
2 of the testimony and evidence, making all necessary inquiries and having been
3 instructed in the law. The judge or circuit court commissioner shall provide the jury
4 with one complete set of written instructions providing the substantive law to be
5 applied to the issues to be decided. The verdict shall be in a form which permits the
6 following findings:

7 **SECTION 326.** 979.08 (6) of the statutes is amended to read:

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

13 **SECTION 327.** 979.08 (7) of the statutes is amended to read:

14 979.08 (7) The record of a secret inquest proceeding shall not be open for
15 inspection unless so ordered by the judge or circuit court commissioner conducting
16 the inquest upon petition by the district attorney.

17 **SECTION 328.** 979.09 of the statutes is amended to read:

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

1 The charges and expenses shall be audited by the county board of the proper county
2 and paid out of the county treasury.

3 **SECTION 329. Initial applicability.**

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

6 **SECTION 330. Effective date.**

7 (1) This act takes effect on January 1, 2000.

8 **(END)**



Supreme Court of Wisconsin
Director of State Courts Office

Date: 12/3/99
To: BOB NELSON
From: SHERYL GERVASI
Re: MISSED CITES

- ✓ 48.213(1)(a),(b),(3),(6)
- ✓ 59.53(S) ✓
- ✓ 59.53(Sm)(a) ✓
- ✓ 59.64(1)(d)1m - form
- ✓ 71.04(3)
- ✓ 767.081(2)
- ✓ 767.11(S)(C)
- ✓ 767.11(7)
- ✓ 767.29(title)
- ✓ 999.03
- ✓ 803.61(3)(b)1
- ✓ 807.02

CAN YOU CHECK THESE? I DO NOT
KNOW IF YOU MISSED THEM OR THEY
ARE NOT MEANT TO BE CHANGED

Remember + Add

48.065 Juvenile court commissioners. (1) The board of supervisors of any county may authorize the chief judge of the judicial administrative district to appoint one or more part-time or full-time juvenile court commissioners who shall serve at the discretion of the chief judge. A juvenile court commissioner shall be licensed to practice law in this state and shall have been so licensed for at least 2 years immediately prior to appointment and shall have a demonstrated interest in the welfare of children. The chief judge may assign law clerks, bailiffs and deputies to the court commissioner. The chief judge shall supervise juvenile court commissioners, law clerks, bailiffs and deputies, except that the chief judge may delegate any of those duties.

(3m)

(3m)

938.065 Juvenile court commissioners. (1) The board of supervisors of any county may authorize the chief judge of the judicial administrative district to appoint one or more part-time or full-time juvenile court commissioners who shall serve at the discretion of the chief judge. A juvenile court commissioner shall be licensed to practice law in this state and shall have been so licensed for at least 2 years immediately prior to appointment and shall have a demonstrated interest in the welfare of juveniles. The chief judge may assign law clerks, bailiffs and deputies to the court commissioner. The chief judge shall supervise juvenile court commissioners, law clerks, bailiffs and deputies, except that the chief judge may delegate any of those duties.

767.13 Family court commissioner; appointment; powers; oaths; assistants. (1) COUNTIES OTHER THAN MILWAUKEE (a) *Appointment.* In each county, except in a county having a population of 500,000 or more, the circuit judges for the county, subject to the approval of the chief judge of the judicial administrative district, shall, by order filed in the office of the clerk of the circuit court on or before the first Monday of July of each year, appoint some reputable attorney of recognized ability and standing at the bar as the family court commissioner for the county.

(2m)

2m

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

767.13 Family court commissioner; appointment; powers; oaths; assistants. (1) COUNTIES OTHER THAN MILWAUKEE

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

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

leave as office

(4m)

(4) In counties having a population of 500,000 or more the chief judge of the judicial administrative district shall appoint and may remove probate court commissioners under ss. 63.01 to 63.17. In counties having a population of at least 100,000 but not more than 500,000 the chief judge shall appoint and may remove any probate court commissioner if cause is proven. Probate court commissioners shall be attorneys licensed to practice in this state.

757.68 Court commissioners. (1)

(b) In counties having a population of 500,000 or more, the county board shall establish at least one full-time court commissioner position under par. (a) to assist in the administration of the procedures for small claims type actions under ch. 799. In counties having a population of less than 500,000, the county board may establish one or more part-time or full-time court commissioner positions under par. (a) to assist in the administration of small claims type actions under ch. 799. Any court commissioner appointed under this paragraph shall be an attorney licensed to practice in this state.

(5m)

Note - want classified, etc. positions with county positions involvement of chief judge appointing under SCH 75.02 (1) circuit court - to assist in matters supervised. Probate

~~the chief judge not later than 5 days before the end of the 30-day period. The chief judge may extend the period to decide the matter for an additional 30 days or may require the circuit court commissioner to suspend all other assigned activities until the decision is filed in the court.~~

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

~~(d) The chief judge may withdraw temporarily or permanently the circuit court commissioner's appointment or authority to act if the commissioner fails to comply with pars. (b) or (c) .~~

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

SCR CHAPTER 75

CIRCUIT COURT COMMISSIONERS

SCR 75.01 Definitions. In this chapter,

(1) "Chief judge" means the judge appointed under SCR 70.18 for the judicial administrative district.

757.677

~~(2) "Circuit court commissioner" means a person appointed under SCR 75.02 (1) and a person authorized under SCR 75.02 (3) to the limited extent of that authorization.~~

supplemental court commissioner

"supp ct. com. means a person appt under 757.677(1)

(x ref?)

757.68 Circuit court commissioners, creation
(1) Subject to subs. (2) to (5), in every county organized for judicial purposes, the county board shall establish the number of circuit court commissioner positions necessary for the efficient administration of judicial business in the circuit courts of the county.

(2) family

(3) juvenile

(4) probate

(5) small claims

(6) salary, furnishings (p. 34 - (3m))

(7) law clerks, bailiffs (p. 34 - (4m))

~~757.69~~

757.69 Powers and duties of circuit court commissioners

TO: RPN

FROM: KMG

RE: LRB-0137/P2

1. p. 52,1. 12: is the ref. to "paragraph" still OK?

✓
no - "subdivision"

TO: RPN

NOV. 13, 1998

FROM: KMG

RE: LRB-0137 == problems found in reviewing my 1st note on the /P1 version of this draft.

1. BOB: regarding 767.13 (5) and (7): I am having the WPO's leave the text in the draft; however, the changes are *incorrectly drafted* and you will need to fix those sections in the next draft.- ✓

What do you want to do with the title to 767.13 (5)? ✓

Also, we can't have as a *subset of a subdivision a statute numbered with, i.e., "1."* (See 767.13 (5) and (7) in the bill.)

WHEN THE DRAFT IS REDRAFTED, PLEASE RETURN THIS NOTE WITH IT - THANKS.

TO: RPN

FROM: KMG

RE: LRB-0137

✓ 1. 17.16 (1): I deleted ref. to the SC0 - check. - &

ok ✓ 2. 59.64 (1) (d) (intro.): "(intro.)" always follows the title. ✓

✓ 3. p. 34, ls. 14 to 17: check the corrections - we cannot **repeal** any **statutory unit** by striking through it. ✓

✓ 4. 757.72 (8): I repealed it - OK? ✓

✓ 5. 767.265 [all units of that stat. that are in this bill]: check for delayed effec. dates - don't we then keep the "as aff/cr . ." phrase in the bill section hdng.? (Also, when a stat. is treated more than once in the Act to which you are referring in the bill sec. hdng., you must specify the section of the Act.)

some are "as aff..."; some are "as created..." The bill sec. hdngs. in last session's draft were often wrong, so they can't simply be "steted".

[97 Wis. Act 191, s. 9455 - (6) MODIFICATIONS RELATED TO CENTRALIZED RECEIPT AND DISBURSEMENT. The amendment of sections 767.027 (1) (b) and 767.263 (2) of the statutes and the repeal and recreation of sections 767.25 (6) (intro.), 767.261 (intro.), 767.263 (l), 767.265 (l), (2r), (3h) and (6) (a) and (b), 767.29 (lm) (intro.), 767.51 (5p) (intro.) and 767.62 (4) (b) 3. a. (by SECTION 489) and (g) (intro.) (by SECTION 490) of the statutes take effect on the date stated in the notice published by the department of workforce development in the Wisconsin Administrative Register under section 767.29 (1) (f) of the statutes, or on October 1, 1999, whichever is earlier.]

[97 Wis. Act 27, s. 9426 - (8) CENTRALIZED RECEIPT AND DISBURSEMENT OF SUPPORT AND MAINTENANCE. The treatment of sections 20.445 (3) (a), (ja), (k), (q) and (r), 20.855 (7) (j), 25.17 (1) (tm), 25.68, 49.24 (1) (by SECTION 1882n), 49.855 (1), (2), (3) (by SECTION 1992m), (4), (4m) (b) (by SECTION 1995m) and (c) and (5), 565.30 (5), 767.001 (7), 767.025 (3) and (4), 767.25 (4m) (c) 1. and (6) (intro.) and (a), 767.261 (intro.) and (1), 767.262 (4) (b), 767.263, 767.265 (1), (2r), (3h), (6) (a) and (b) and (7), 767.267 (1), (2) and (5), 767.29 (lm) (intro.) and (d) and (2), 767.32 (lr), 767.51 (3m) (c) 1. and (5p) (intro.) and (a), 769.319 and 814.61 (12) (cm) of the statutes, the repeal of sections 20.445 (3) (g), 59.40 (2) (h), 59.53 (5m), 814.61 (12) (b) and 814.612 of the statutes, the renumbering and amend-

ment of sections 59.53 (5) and 767.29 (1) of the statutes, the amendment of section 49.175 (1) (intro.) of the statutes, the creation of sections 59.53 (5) (b) and 767.29 (1) (b), (d) and (f) of the statutes and SECTION 9226 (1) of this act take effect on the date stated in the notice published by the department of workforce development in the Wisconsin Administrative Register under section 767.29 (1) (f) of the statutes, as created by this act, or on October 1, 1999, whichever is earlier.]

[Is the effec. date Jan. 3, 1999? - see PJK]

✓ 6. 767.267 - same as for Item 5. above.

✓ 7. 767.29 - same as for Item 5. above.

✓ 8. SECTION 170: - same as for Item 5. above.

✓ 9. Ins. 36-5: we can't create whole new statutory units by underscoring the entire unit. *subdivisions*

✓ 10. 813,122 (3) (b): we can't display a stat. unit ^(intro.) in the draft unless there is striking and/or scoring. See my change; and see my grammar correction — OK?

✓ 11. Ins. 17-8: see my correction. Also, there are 2 versions of 49.855 (3) shown in that insert - which one do you want to amend? K-out one]

✓ 12. 49.855 (4m) (b) - same; and add the Act 237 sec. number.

✓ 13. 59.53 (5m) (a): check the secs. aff'd list and adjust the draft.

✓ 14. 59.64 (1) (c): check my changes - correct?

✓ 15. 757.69 (1) (g): check my changes - correct? ← *Let's discuss this*

✓ 16. p. 36, l. 20: restore "757.68", as was done on line 9? *No, line 9 was*

✓ 17. p. 21, l. 3: I restored "who is"; if that is stricken, the phrase becomes "the court designated", not "the commissioner designated". *circuit of. Comm, this is supp. ct. Comm*

✓ 18. p. 22, l. 4: same.

✓ 19. 59.64 (1) (f): I changed the title like 59.64 (1) (c) — OK?

✓ 20. p. 25, l. 13: remove parentheses? (Shouldn't use, in most cases, in stats.)

✓ 21. 171.05 — review; add "circuit..." any other places? ← *After typed I will have to search whole draft for this problem*

✓ 22. p. 29, l. 15: I struck a comma.

✓ 23. p. 30 — same.

✓ 24. p. 33, right margin - "stet" what?

✓ 25. p. 33 — See new SEC. and the line 14 change.

✓ 26. p. 33, l. 15: grammar corrected; it should be "such . . . as", not "the . . . as".

✓ 27. p. 34, l. 1: this is current law, so we must strike through, if you want to remove the text.

[a. p. 33, line 23: do we need "after know; May 16, 1998" any more? [I don't know; are there people still working under the old law?]

Insert 38-5

Insert 24-8

I removed the word

removed removal

I don't understand it appears to be repealed?

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- ✓ 28. Ins. 34-13: 1 did a minor rewrite; OK?
- ✓ 29. COMMENT; I am not checking x-refs. in ***NOTES; OK?
- ✓ 30. Ins. 36-5a, grammar: check the (intro.) in SEC. 75 to see if it doesn't now fit with my rewrite.

I don't understand maybe I do now - see SEC 75 change!

[However, because of the way that SEC. 75 rephrases 757.69 (1) (intro.), you must now amend all underlying pars. {(a) to (o)} to correct the word forms, as I have done in Ins. 36-5a. — The other choice is to correct the (intro.) and reverse my changes. If the latter is not done, Ins. 36-6 must be fixed also.]

✓ 31. 757.69 (1m) — should this read “assigned to exercise jurisdiction”? *****[Add Ins. 36-5 at this point???]***** *Yes*

✓ 32. Ins. 36-6, 757.69 (1m) (a) 2.: check gramar rewrite — is this what you mean? *I'm not sure - a combination of ss. 98.065(3)(c) + 938.065(3)(c).*

✓ 33. p. 37, l. 1: srike/score, if “(c)” is to become “(i)”.

✓ 34. p. 37, ls. 18-19: does “shall have . . . duties” translate into *the* permissive “may”? [If it is a “duty” and it is one’s duty, doesn’t one have to perform it?]

✓ Amend the statute shown below re: x-refs. to 757.72 (2) and (5):

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

✓ 36. p. 43, l. 2: “the” added to conform with the p. 41 change; ins. 49-21 has the same change.

✓ 37. p. 44, l. 5: see my change and the D-Manual; this is a new change this session.

✓ 38. Amend the stat. shown below to strike the ref. to 767.13 (5):

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

I think I missed moving family court work to ch 257. see pp 48-49

✓ 39. Amend p. 36, l. 21, to strike the ref. to 767.13 (5) (c).

Again - this will need to be reviewed when we have a draft.

✓ 40. p. 51, l. 19: amend to strike the ref. to 767.13 (6). (Did you check x-refs. for stats. that you converted to "repeal"? **I did** not search the **draft for any "new" refs. that may have been added, by creating or underscoring, to those stats. that were converted to "repeal".**)

✓ 41. Ins. 50-7: check my changes.

✓ 42. p. 88, left margin: what do I and the WPO's do with this note?

✓ 43. p. 10 of /P1ins: note that we do not put spaces before periods and commas, as I have marked.

✓ 44. §14.68 (see p. 88): fix all x-refs. for this repealed stat. *done*

814.68 (1) - 133.11 (3), 563.71 (1) (c), 753.175, 757.68 (5),
887.26 (7) *done*

814.68 (1)(b) - ~~757.68 (2)~~ *done*

814.68 (2) - ~~816.035 (2)~~ *done*

✓ 45. p. 92, l. 0: delete the 4-star NOTE?

✓ 46. p. 93: see the 4-star NOTE - add ref. to "supplemental" in the above stat.?