



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

regen cat.

1 **AN ACT** to repeal 48.065 (title), 48.065 (2) to (4), 753.175, 757.68 (2) (title), 757.68
2 (3), (4) and (5) (title), 757.69 (6), 757.695, 757.72 (title), 757.72 (2), 757.72 (3),
3 757.72(4), 757.72 (6), 757.72 (7), 757.72 (8), 757.81 (2), 767.13 (title), 767.13 (2)
4 (title), 767.13 (2) (b), (3) and (4), 767.13 (5) (title) and (a) (title), 767.13 (5) (b)
5 (title), 767.13 (5) (c) (title), 767.13 (6), 767.13 (7) (title), 767.17, 799.206 and
6 **938.065; to renumber and amend 48.065** (1), 757.68 (2), 757.68 (5), 757.69 (1)
7 (g), 757.69 (3), 757.69 (4) and (5), 757.69 (7), 757.72 (1), 757.72 (5), 767.13 (1),
8 767.13 (2) (a), 767.13 (5) (a), 763.13 (5) (b), 767.13 (5) (c) and 767.13 (7); to
9 amend 13.24 (1), 19.01 (4) (c), 20.445 (3) (cb), 40.08 (9m), 46.03 (3), 48.06 (1)

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11
12 ~~2., 2., 48.02 (ar)(4), (i) 48.02 (6), 48.02 (b), 48.2 (f), 49.85 (6) (3), 49.854 (c) 48.21 (7), 49.8 (9), 49.213 49.854 48.02 (g)~~
13 ~~a~~
14 (7m), 49.855 (3), 49.855 (4m) (b), 49.856 (4), 49.857 (2) (c) 1., 49.857 (3) (ac),
15 49.857 (3) (ar), 49.858 (3), 51.10 (4m) (d), 51.20 (1) (c), 51.45 (12) (b) (intro.),

1 51.45 (12) (c)(intro.), 51.45 (12) (c) l., 51.45 (13) (dm), 59.37, 59.53 (5) (a), 59.53
2 (5m) (a), 59.64 (1) (c) (title), 1. (intro.) and 2., 59.64 (1) (d) (intro.), 59.64 (1) (d)
3 1. (intro.), 59.64 (1) (d) 1m., 59.64 (1) (e), 59.64 (1) (f), 59.64 (1) (g) 4., 59.79 (5),
4 63.03 (2) (z), 69.15 (3m) (a) 3. and 4., 75.43, 101.02 (5) (c), 103.005 (5) (c), 133.10
5 (1), 133.11 (1), 133.11 (3), 171.04 (1), 171.04 (2), 171.04 (3), 171.05, 171.06,
6 196.24 (2), 563.71 (1) (a), 563.71 (1) (c), 757.24, 757.30 (2), 757.68 (title), 757.69
7 (title), 757.69 (1) (b), 757.69 (2) (intro.), 757.69 (2) (a), 757.70 (2), 757.81 (6),
8 757.85 (1) (a), 757.85 (1) (b), 757.85 (3), 757.85 (4), 757.85 (5), 757.87 (1), 757.89,
9 757.93 (1) (a), 757.93 (1) (b), 757.93 (2), 757.93 (4) (a), 757.95, 757.99, 765.11 (1),
10 765.11 (2), 765.16 (5), 767.045 (1) (c) (intro.), 767.081 (title), 767.081 (l), 767.081
11 (2) (a) (intro.), 767.081 (2) (b), 767.083 (2), 767.085 (1) (i), 767.085 (1) (j) (intro.),
12 767.087 (1) (b), 767.087 (1) (c), 767.087 (2), 767.11 (1) (c), 767.11 (5) (a), 767.11
13 (5) (b), 767.11 (5) (c), 767.11 (6), 767.11 (7), 767.11 (13), 767.115 (1) (a), 767.115
14 (1) (b), 767.115 (1m), 767.115 (2), 767.12 (1), 767.125, 767.14, 767.145 (1), 767.15
15 (1), 767.16, 767.23 (1) (intro.), 767.23 (1) (a), 767.23 (1) (am), 767.23 (1m), 767.23
16 (1n), 767.25 (4m) (f) 2., 767.265 (1), 767.265 (2h), 767.265 (2r), 767.267 (1),
17 767.267 (5), 767.27 (2), 767.29 (title), 767.29 (1) (c), 767.29 (1) (d) (intro.), 767.29
18 (1) (d) 2., 767.29 (1) (e), 767.29 (1m) (b), 767.29 (3) (a), 767.29 (3) (b), 767.293
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20 (a), 767.37 (2), 767.45 (5) (b), 767.455 (5), 767.458 (1m), 767.46 (1), 767.463,
21 767.465 (2) (a), 767.51 (3m) (f) 2., 767.62 (2) (b), 767.62 (3) (b), 767.62 (4) (a),
22 767.62 (4) (b) 2., 767.62 (4) (b) 3. a., 767.62 (4) (b) 3. b., 767.62 (4) (b) 4. (intro.),
23 767.62 (4) (b) 4. c., 767.62 (4) (b) 5. a., 767.62 (4) (b) 6. b., 767.62 (4) (d) 1., 767.62
24 (4) (d) 2., 767.62 (4) (e) (intro.), 767.62 (4) (e) 14., 767.62 (4) (f), 769.102, 769.302,
25 782.01 (3), 782.03, 782.28, 799.03, 799.05 (7) (intro.), 799.06 (1), 799.11 (3),

1 799.20 (4), 799.207 (title), 799.207 (1) (a), 799.207 (1) (b), 799.207 (1) (e),
2 799.207 (2) (intro.), 799.207 (3) (b), 799.209 (1) to (4), 799.21 (3) (b), 799.21 (4),
3 799.24 (1), 799.24 (3), 799.26 (1), 803.01 (3) (b) 1., 807.02, 807.04 (1), 807.09 (1),
4 812.30 (2), 813.025 (1), 813.12 (2) (a), 813.12 (2) (b), 813.12 (3) (a), 813.12 (3)
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7 (b) 2., 813.12 (5) (c), 813.12 (6) (a), 813.12 (7m), 813.122 (3) (a), 813.122 (3) (b)
8 (intro.), 813.122 (3) (bm), 813.122 (4) (a) (intro.), 813.122 (4) (a) 1., 813.122 (4)
9 (a) 2., 813.122 (5m) (a) 2., 813.122 (5m) (b) (intro.), 813.122 (5m) (b) 2., 813.122
10 (9) (a), 813.123 (3) (a), 813.123 (3) (b) (intro.), 813.123 (4) (a), 813.123 (8) (a),
11 813.125 (3) (a) (intro.), 813.125 (3) (a) 2., 813.125 (3) (c), 813.125 (4) (a) (intro.),
12 813.125 (4) (a) 2., 813.125 (4) (a) 3., 813.125 (4m) (a), 813.125 (4m) (c) 2., 813.125
13 (4m) (d) (intro.), 813.125 (4m) (d) 2., 813.125 (5) (am), 814.615 (3), 814.68 (title),
14 814.68 (1) (intro.), 814.68 (1) (a), 814.68 (1) (b) (intro.), 814.68 (1) (b) 1., 814.68
15 (2), 816.03 (1) (b), 816.035 (1) and (2), 818.02 (6), 879.61, 885.10, 885.12, 887.26
16 (7), 898.02, 898.04, 898.11, 906.15 (1), 906.15 (2) (d), 906.15 (3), 911.01 (1),
17 938.06 (1) (a) 2., 938.208 (4), 938.21 (1) (a), 938.21 (1) (b), 938.21 (2) (c), 938.21
18 (4) (intro.), 938.21 (4m), 938.21 (7), 938.24 (5), 938.245 (3), 938.30 (9), 938.32
19 (1) (a), 938.32 (1d), 938.32 (1g) (intro.), 938.32 (1m) (intro.) and (a), 938.32 (1t)
20 (a) 1., 938.32 (1t) (a) 1m., 938.32 (1t) (a) 3., 938.32 (1v), 938.32 (1x), 938.32 (2)
21 (a), 938.32 (6), 940.203 (1) (b), 943.013 (1) (b), 946.495, 967.07, 971.20 (3) (a),
22 973.20 (13) (c) 4., 977.05 (6) (b) 2., 979.05 (1), 979.05 (4), 979.05 (5), 979.05 (6),
23 979.06 (1), 979.06 (2), 979.06 (3), 979.06 (4) (intro.), 979.06 (5), 979.08 (1),
24 979.08 (3) (intro.), 979.08 (6), 979.08 (7) and 979.09; **to repeal and recreate**
25 17.16 (1), 757.68 (1), 757.69 (1) (intro.), 757.69 (1) (k), 979.05 (2) and 979.05 (3);

reg. en.

1 and **to create** 757.001, 757.01 (4), 757.675 (title), 757.68 (5m), 757.68 (6),
 2 757.68 (7), 757.69 (1)(g) 8. to 15., 757.69 (1m), 757.69 (2m) and 757.69 (8) of the
 3 statutes; **relating to:** powers, responsibilities and appointment of court
 4 commissioners.

Analysis by the Legislative Reference Bureau

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Anl* → ~~This is a preliminary draft. An analysis will be provided in a later version.~~

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

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

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

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

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

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

19 19.01 (4) (c) In the office of the clerk of the circuit court for any county: Of all
 20 circuit and sunnlemental court commissioners, ~~of all family court commissioners,~~ of

1 all municipal judges, and of all other judges or judicial officers elected or appointed
2 for that county, or whose jurisdiction is limited thereto;

3 **SECTION 4.** 20.445 (3) (cb) of the statutes is amended to read:

4 *20.445 (3) (cb) Child support collection--county administration.* The amounts
5 in the schedule for the county child support order revision programs under s. 49.23
6 (1), for state incentive payments under s. 49.23 (2), for assistance to counties in
7 establishing paternity and obtaining child support and for payments to Milwaukee
8 County under s. 49.25 (8) (b) to fund an additional family circuit court commissioner
9 to assist in matters affecting the family.

10 **SECTION 5.** 40.08 (9m) of the statutes is amended to read:

11 **40.08 (9m) GUARDIANS.** An application for a benefit, a designation of a
12 beneficiary or any other document which has a long-term effect on a person's rights
13 and benefits under this chapter and which requires a signature may be signed and
14 filed by a guardian of the estate when accompanied by a photocopy or facsimile of an
15 order of guardianship issued by a circuit court judge or a register in probate or a
16 ~~probate circuit~~ court commissioner who is assigned the authority to issue such orders
17 under s. ~~757.72 (2) or (5)~~ 851.73 (1) (g).

18 **SECTION 6.** 46.03 (3) of the statutes is amended to read:

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

25 **SECTION 7.** 48.06 (1) (a) 2. of the statutes is amended to read:

1 48.06 (1) (a) 2. The chief judge of the judicial administrative district shall
2 formulate written judicial policy governing intake and court services for child
3 welfare matters under this chapter and the department shall be charged with
4 executing the judicial policy. The chief judge shall direct and supervise the work of
5 all personnel of the court, except the work of the district attorney or corporation
6 counsel assigned to the court. ~~The chief judge may delegate his or her supervisory~~
7 ~~functions under s. 48.065 (1).~~

8 **SECTION 8.** 48.065 (title) of the statutes is repealed.

9 **SECTION 9.** 48.065 (1) of the statutes is renumbered 757.68 (3m) and amended
10 to read:

11 757.68 (3m) The board of supervisors of any county may ~~authorize the chief~~
12 ~~judge of the judicial administrative district to appoint~~ establish one or more circuit
13 court commissioner positions on a part-time or full-time juvenile court
14 commissioners who basis to assist in matters affecting juveniles. A circuit court
15 commissioner under this subsection shall serve at the discretion of the chief judge.
16 ~~A juvenile court commissioner shall be licensed to practice law in this state and shall~~
17 ~~have been so licensed for at least 2 years immediately prior to appointment and shall~~
18 ~~have a demonstrated interest in the welfare of children and unborn children. The~~
19 ~~chief judge may assign law clerks, bailiffs and deputies to the court commissioner.~~
20 ~~The chief judge shall supervise juvenile court commissioners, law clerks, bailiffs and~~
21 ~~deputies, except that the chief judge may delegate any of those duties.~~

22 **SECTION 10.** 48.065 (2) to (4) of the statutes are repealed.

23 **SECTION 11.** 48.208 (4) of the statutes is amended to read:

24 48.208 (4) Probable cause exists to believe that the child, having been placed
25 in nonsecure custody by an intake worker under s. 48.207 (1) or by the judge or

1 ^a
juvenile ~~circuit~~ court commissioner under s. 48.21 (4), has run away or committed
2 a delinquent act and no other suitable alternative exists.

3 SECTION 12. 48.21 (1) (a) of the statutes is amended to read:

4 48.21 (1) (a) If a child who has been taken into custody is not released under
5 s. 48.20, a hearing to determine whether the child shall continue to be held in custody
6 under the criteria of ss. 48.205 to 48.209 shall be conducted by the judge or juvenile

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

17 SECTION 13. 48.21 (1) (b) of the statutes is amended to read:

18 48.21 (1) (b) If no petition has been filed by the time of the hearing, a child may
19 be held in custody with approval of the judge or juvenile ~~circuit~~ court commissioner
20 for an additional 72 hours from the time of the hearing, excluding Saturdays,
21 Sundays and legal holidays, only if, as a result of the facts brought forth at the
22 hearing, the judge or juvenile ~~circuit~~ court commissioner determines that probable
23 cause exists to believe that the child is an imminent danger to himself or herself or
24 to others, that probable cause exists to believe that the parent, guardian or legal
25 custodian of the child or other responsible adult is neglecting, refusing, unable or

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

14 **SECTION 14.** 48.21 (4) (intro.) of the statutes is amended to read:

15 **48.21 (4) CONTINUATION OF CUSTODY.** (intro.) If the judge or ~~juvenile~~ circuit court
16 commissioner finds that the child should be continued in custody under the criteria
17 of s. 48.205, he or she shall enter one of the following orders:

18 **SECTION 15.** 48.21 (7) of the statutes is amended to read:

19 **48.21 (7) INFORMAL DISPOSITION.** If the judge or ~~juvenile~~ circuit court
20 commissioner determines that the best interests of the child and the public are
21 served or, in the case of a child expectant mother who has been taken into custody
22 under s. 48.19 (1) (cm) or (d) 8., that the best interests of the unborn child and the
23 public are served, he or she may enter a consent decree under s. 48.32 or order the
24 petition dismissed and refer the matter to the intake worker for informal disposition
25 in accordance with s. 48.245.

1 **SECTION 16.** 48.213 (1) (a) of the statutes is amended to read:

2 48.213 (1) (a) If an adult expectant mother of an unborn child who has been
3 taken into custody is not released under s. 48.203, a hearing to determine whether
4 the adult expectant mother shall continue to be held in custody under the criteria of
5 s. 48.205 (1m) shall be conducted by the judge or ~~juvenile~~^a circuit court commissioner
6 within 48 hours after the time that the decision to hold the adult expectant mother
7 was made, excluding Saturdays, Sundays and legal holidays. By the time of the
8 hearing a petition under s. 48.25 shall be filed, except that no petition need be filed
9 when an adult expectant mother is taken into custody under s. 48.193 (1) (b) or (d)
10 1. or 3., in which case a written statement of the reasons for holding the adult
11 expectant mother in custody shall be substituted if the petition is not filed. If no
12 hearing has been held within those 48 hours, excluding Saturdays, Sundays and
13 legal holidays, or if no petition or statement has been filed at the time of the hearing,
14 the adult expectant mother shall be released except as provided in par. (b).

15 **SECTION 17.** 48.213 (1) (b) of the statutes is amended to read:

16 48.213 (1) (b) If no petition has been filed by the time of the hearing, an adult
17 expectant mother of an unborn child may be held in custody with the approval of the
18 judge or ~~juvenile~~ circuit court commissioner for an additional 72 hours after the time
19 of the hearing, excluding Saturdays, Sundays and legal holidays, only if, as a result
20 of the facts brought forth at the hearing, the judge or ~~juvenile~~ circuit court
21 commissioner determines that probable cause exists to believe that there is a
22 substantial risk that if the adult expectant mother is not held, the physical health
23 of the unborn child, and of the child when born, will be seriously affected or
24 endangered by the adult expectant mother's habitual lack of self-control in the use
25 of alcohol beverages, controlled substances or controlled substance analogs,

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

8 **SECTION 18.** 48.213 (3) (intro.) of the statutes is amended to read:

9 48.213 (3) **CONTINUATION OF CUSTODY.** (intro.) If the judge or ~~juvenile circuit~~
10 court commissioner finds that the adult expectant mother should be continued in
11 custody under the criteria of s. 48.205 (lm), the judge or ~~juvenile circuit~~ court
12 commissioner shall enter one of the following orders:

13 **SECTION 19.** 48.213 (6) of the statutes-is amended to read:

14 48.213 (6) **INFORMAL. DISPOSITION.** If the judge or ~~juvenile circuit~~ court
15 commissioner determines that the best interests of the unborn child and the public
16 are served, the judge or ~~juvenile circuit~~ court commissioner may enter a consent
17 decree under s. 48.32 or order the petition dismissed and refer the matter to the
18 intake worker for informal disposition in accordance with s. 48.245.

19 **SECTION 20.** 48.227 (4) (a) of the statutes is amended to read:

20 48.227 (4) (a) If the child's parent, guardian or legal custodian does not consent
21 to the temporary care and housing of the child at the runaway home as provided
22 under sub. (2) or (3), a hearing shall be held on the issue by the judge or ~~juvenile~~
23 ^a ~~circuit~~ court commissioner within 24 hours of the time that the child entered the
24 runaway home, excluding Saturdays, Sundays and legal holidays. The intake

1 worker shall notify the child and the child's parent, guardian or legal custodian of
2 the time, place and purpose of the hearing.

3 **SECTION 21.** 48.30 (9) of the statutes is amended to read:

4 48.30 (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. 48.13 or 48.133, the
6 judge shall review the admission at the beginning of the dispositional hearing by
7 addressing the parties and making the inquiries set forth in sub. (8).

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

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

23 **SECTION 23.** 48.32 (2) (a) of the statutes is amended to read:

1 48.32 (2) (a) A consent decree shall remain in effect up to 6 months unless the
2 child, parent, guardian, legal custodian or expectant mother is discharged sooner by
3 the judge or ~~juvenile circuit~~ court commissioner.

4 **SECTION 24.** 48.32 (6) of the statutes is amended to read:

5 48.32 (6) The judge or ~~juvenile circuit~~ court commissioner shall inform the child
6 and the child's parent, guardian or legal custodian, or the adult expectant mother,
7 in writing, of the right of the child or expectant mother to object to the continuation
8 of the consent decree under sub. (3) and the fact that the hearing under which the
9 child or expectant mother was placed on supervision may be continued to conclusion
10 as if the consent decree had never been entered.'

11 **SECTION 25.** 49.25 (8) (b) of the statutes is amended to read:

12 49.25 (8) (b) From the appropriation under s. 20.445 (3) (cb), the department
13 shall provide funds to Milwaukee county to fund an additional ~~family circuit~~ court
14 commissioner to assist in matters affecting the family.

15 **SECTION 26.** 49.852 (3) of the statutes is amended to read:

16 49.852 (3) If a person has requested a hearing pursuant to sub. (2) (b), the
17 hearing shall be conducted before the circuit court that rendered the initial order to
18 pay support. The court shall schedule a hearing within 10 business days after
19 receiving a request for a hearing. ~~The family A circuit~~ court commissioner may
20 conduct the hearing. If the court determines that the person owes the amount
21 specified in the statewide support lien docket under s. 49.854 (2) (b), the department
22 of workforce development may direct the department of employe trust funds, the
23 retirement system of any 1st class city, any retirement system established under
24 chapter 201, laws of 1937, or the administrator of any other pension plan, whichever
25 is appropriate, to withhold the amount from any lump sum payment from a pension

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

8 **SECTION 27.** 49.854 (2) (c) of the statutes is amended to read:

9 *49.854 (2) (c) Updating the statewide support lien docket.* The department shall
10 update the statewide support lien docket in response to orders issued by a court or
11 ~~family circuit court commissioner~~ shall periodically update the
12 statewide support lien docket to reflect changes in the amounts of the liens contained
13 in the docket.

14 **SECTION 28.** 49.854 (3) (ag) 2. of the statutes is amended to read:

15 49.854 (3) (ag) 2. If the obligor disagrees with the determination of the
16 department, the obligor may request a hearing with the court or a family circuit court
17 commissioner to review the department's determination. To request a hearing under
18 this subdivision, the obligor shall make the request within 5 business days of the date
19 of the department's determination under subd. 1. The obligor shall make the request
20 in writing and shall mail or deliver a copy of the request to the county child support
21 agency. If a timely request for a hearing is made under this subdivision, the court
22 or family circuit court commissioner shall hold the hearing within 15 business days
23 of the request. If, at the hearing, the obligor establishes that the lien is not proper
24 because of a mistake of fact, the court or family circuit court commissioner shall order

1 the department to remove the lien from the statewide support lien docket or adjust
2 the amount of the delinquent obligation.

3 **SECTION 29.** 49.854 (3) (ar) of the statutes is amended to read:

4 *49.854 (3) (ar) Direct appeal.* If the obligor has not requested a financial
5 records and court order review under par. (ag), the obligor may request a hearing
6 under this paragraph within 20 business days of the date of the notice under par. (a).
7 The obligor shall make the request in writing and shall mail or deliver a copy of the
8 request to the county child support agency. If a timely request for a hearing is made
9 under this paragraph, the court or ~~family~~ circuit court commissioner shall schedule
10 a hearing within 10 days after the date of the request. If, at the hearing, the obligor
11 establishes that the lien is not proper because of a mistake of fact, the court or ~~family~~
12 circuit court commissioner shall order the department to remove the lien from the
13 statewide support lien docket or adjust the amount of the delinquent obligation.

14 **SECTION 30.** 49.854 (3) (b) of the statutes is amended to read:

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

23 **SECTION 31.** 49.854 (5) (f) of the statutes is amended to read:

24 *49.854 (5) (f) Hearings.* A hearing requested under par. (d) 6. shall be
25 conducted before the circuit court rendering the order to pay support. Within 45

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

20 **SECTION 32.** 49.854 (6) (c) of the statutes is amended to read:

21 *49.854 (6) (c) Hearing.* If a hearing is requested under par. (b) 4., the court or
22 ~~family~~ circuit court commissioner shall schedule a hearing within 10 business days
23 after receiving the request under par. (b) 4. The hearing shall be limited to a review
24 of whether the obligor owes the amount of support owed that is stated in the notice
25 of seizure and whether any alternative payment arrangement offered by the

1 department or the county child support agency is reasonable. If the court or ~~family~~
2 family circuit court commissioner makes a written determination that an alternative
3 payment arrangement offered by the department or county child support agency is
4 not reasonable, the court or ~~family~~ family circuit court commissioner may order an
5 alternative payment arrangement. If the court or ~~family~~ family circuit court commissioner
6 orders an alternative payment arrangement, the court or ~~family~~ family circuit court
7 commissioner shall order the department to return the seized property within 15
8 business days. If the court or ~~family~~ family circuit court commissioner determines that the
9 obligor does not owe support or owes less than the amount claimed by the
10 department, the court shall order the department to return the seized property
11 within 15 business days or specify the amount which may be retained by the
12 department after the sale of the seized property. If a ~~family~~ family circuit court
13 commissioner conducts the hearing under this paragraph, the department or the
14 obligor may, within 15 business days after the date that the ~~family~~ family circuit court
15 commissioner makes his or her decision, request review of the decision by the court
16 with jurisdiction over the action. The court reviewing the decision may order the
17 department to return the seized property or may authorize the sale of the property
18 by the department. If the department is ordered to return seized property under this
19 paragraph, the court shall instruct any state agency responsible for titling the
20 property that it may transfer title to the property without receiving instructions from
21 a court or the department under par. (a).

22 **SECTION 33. 49.854 (7) (c) of the statutes is amended to read:**

23 *49.854 (7) (c) Hearing.* If a hearing is requested under par. (b) 1. c., the court
24 or ~~family~~ family circuit court commissioner shall schedule a hearing within 10 business
25 days after receiving the request under par. (b) 1. c. The hearing shall be limited to

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

20 **SECTION 34. 49.854 (7m)** of the statutes is amended to read:

21 **49.854 (7m)** JOINTLY HELD PROPERTY. A person, other than the obligor, who holds
22 a joint interest in property levied against under this section may request a hearing,
23 as provided in subs. (5) (d) 6m., (6) (b) 3m. or (7) (b) 1. d., to determine the proportion
24 of the value of the property that is attributable to his or her net contribution to the
25 property. If a hearing is requested under this subsection, the court or family circuit

1 court commissioner shall schedule a hearing within 10 days after receiving the
2 request. The hearing shall be limited to determining the proportion of the value of
3 the property that is attributable to the person's net contribution to the property. If
4 more than one person requests a hearing under this subsection, or if the obligor
5 requests a hearing under sub. (5) (f), (6) (c) or (7) (c), with respect to the same
6 property, the court or ~~family circuit~~ court commissioner may schedule the hearings
7 together. The person requesting the hearing shall have the burden of proving his or
8 her net contribution by clear and convincing evidence. If the court determines that
9 a portion of the jointly held property is attributable to the contributions of the person,
10 the court shall direct the department or the county child support agency to pay the
11 person, from the net balance of the jointly held account or the net proceeds of the sale
12 of the jointly held real or personal property, the proportion of the gross value of the
13 account or real or personal property that is attributable to that person. If [↓]the family
14 ^a~~family circuit~~ court commissioner conducts the hearing under this subsection, the person
15 may, within 15 business days after the date that the ~~family circuit~~ court
16 commissioner makes his or her decision, request review of the decision by the court
17 with jurisdiction over the action.

18 **SECTION 35.** 49.855 (3) of the statutes, as affected by 1997 Wisconsin Act 237,
19 section 210, is amended to read:

20 49.855 (3) Receipt of a certification by the department of revenue shall
21 constitute a lien, equal to the amount certified, on any state tax refunds or credits
22 owed to the obligor. The lien shall be foreclosed by the department of revenue as a
23 setoff under s. 71.93 (3), (6) and (7). When the department of revenue determines
24 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
25 obligor that the state intends to reduce any state tax refund or credit due the obligor

1 by the amount the obligor is delinquent under the support or maintenance order, by
2 the outstanding amount for past support, medical expenses or birth expenses under
3 the court order or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall
4 provide that within 20 days the obligor may request a hearing before the circuit court
5 rendering the order. Within 10 days after receiving a request for hearing under this
6 subsection, the court shall set the matter for hearing. Pending further order by the
7 court or ~~family~~^A/~~circuit~~ court commissioner, the department of workforce development
8 or its designee, whichever is appropriate, is prohibited from disbursing the obligor's
9 state tax refund or credit. ~~The family~~^A/~~circuit~~ court commissioner may conduct the
10 hearing. The sole issues at that hearing shall be whether the obligor owes the
11 amount certified and, if not and it is a support or maintenance order, whether the
12 money withheld from a tax refund or credit shall be paid to the obligor or held for
13 future support or maintenance. An obligor may, within 20 days of receiving notice
14 that the amount certified shall be withheld from his or her federal tax refund or
15 credit, request a hearing under this subsection.

16 **SECTION 36.** 49.855 (4m) (b) of the statutes, as affected by 1997 Wisconsin Act
17 237, section 212, is amended to read:

18 49,855 (4m) (b) The department of revenue may provide a certification that it
19 receives under sub. (1), (2m) or (2p) to the department of administration. Upon
20 receipt of the certification, the department of administration shall determine
21 whether the obligor is a vendor or is receiving any other payments from this state,
22 except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s.
23 45.351 (1), this chapter or ch. 46, 108 or 301. If the department of administration
24 determines that the obligor is a vendor or is receiving payments from this state,
25 except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s.

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

17 **SECTION 37.** 49.856 (4) of the statutes is amended to read:

18 49.856 (4) If the obligor requests a hearing under sub. (3) (b), the circuit court
19 shall schedule a hearing within 10 business days after receiving the request. The
20 only issue at the hearing shall be whether the person owes the delinquent payment
21 or outstanding amount specified in the statewide support lien docket under s. 49.854
22 (2) (b). A ~~family~~ circuit court commissioner may conduct the hearing.

23 **SECTION 38.** 49.857 (2) (c) 1. of the statutes is amended to read:

24 49.857 (2) (c) 1. The system shall provide for adequate notice to an individual
25 who is delinquent in making court-ordered payments of support, an opportunity for

1 the individual to make alternative arrangements for paying the delinquent support,
2 an opportunity for the individual to request and obtain a hearing before a court or
3 ~~family circuit~~ court commissioner as provided in sub. (3) and prompt reinstatement
4 of the individual's license upon payment of the delinquent support or upon making
5 satisfactory alternative payment arrangements.

6 **SECTION 39.** 49.857 (3) (ac) of the statutes is amended to read:

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

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

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

1 commissioner orders an alternative payment arrangement, the department of
2 workforce development may not place the individual's name on a certification list.

3 **SECTION 40.** 49.857 (3) (ar) of the statutes is amended to read:

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

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

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

24 **SECTION 41.** 49.858 (3) of the statutes is amended to read:

1 49.858 (3) **REVIEW OF ~~FAMILY~~ CIRCUIT COURT COMMISSIONER DECISIONS.** If a ~~family~~
2 circuit court commissioner conducts a hearing in any administrative support
3 enforcement proceeding under s. 49.852, 49.856 or 49.857, the department of
4 workforce development or the obligor may, within 15 business days after the date
5 that the ~~family circuit~~ court commissioner makes his or her decision, request review
6 of the decision by the court with jurisdiction over the matter.

7 **SECTION 42.** 51.10 (4m) (d) of the statutes is amended to read:

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

18 **SECTION 43.** 51.20 (1) (c) of the statutes is amended to read:

19 51.20 (1) (c) The petition shall contain the names and mailing addresses of the
20 petitioners and their relation to the subject individual, and shall also contain the
21 names and mailing addresses of the individual's spouse, adult children, parents or
22 guardian, custodian, brothers, sisters, person in the place of a parent and person
23 with whom the individual resides or lives. If this information is unknown to the
24 petitioners or inapplicable, the petition shall so state. The petition may be filed in
25 the court assigned to exercise probate jurisdiction for the county where the subject

1 individual is present or the county of the individual's legal residence. If the judge of
2 the court or a circuit court commissioner who handles probate matters is not
3 available, the petition may be filed and the hearing under sub. (7) may be held before
4 a judge or Circuit court commissioner of any circuit court for the county. e
5 purposes of this chapter, duties to be performed by a court shall be carried out by the
6 judge of the court or a circuit court commissioner of the court who is ~~an attorney and~~
7 i-s designated by the chief judge to so act, in all matters prior to a final hearing under
8 this section. The petition shall contain a clear and concise statement of the facts
9 which constitute probable cause to believe the allegations of the petition. The
10 petition shall be sworn to be true. If a petitioner is not a petitioner having personal
11 knowledge as provided in par. (b), the petition shall contain a statement providing
12 the basis for his or her belief.

13 **SECTION 44.** 51.45 (12) (b) (intro.) of the statutes is amended to read:

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

19 **SECTION 45.** 51.45 (12) (c) (intro.) of the statutes is amended to read:

20 51.45 (12) (c) (intro.) Upon receipt of a petition under par. (b), the circuit court
21 commissioner or court shall:

22 **SECTION 46.** 51.45 (12) (c) 1. of the statutes is amended to read:

23 51.45 (12) (c) 1. Determine whether the petition and supporting affidavits
24 sustain the grounds for commitment and dismiss the petition if the grounds for
25 commitment are not sustained thereby. If the grounds for commitment are sustained

1 by the petition and supporting affidavits, the court or circuit court commissioner
2 shall issue an order temporarily committing the person to the custody of the county
3 department pending the outcome of the preliminary hearing under sub. (13) (d).

4 **SECTION 47.** 51.45 (13) (dm) of the statutes is amended to read:

5 51.45 (13) (dm) For the purposes of this section, duties to be performed by a
6 court shall be carried out by the judge of such court or a circuit court commissioner
7 of such court who is ~~an attorney and is~~ designated by the chief judge to so act, in all
8 matters prior to a final hearing under this subsection.

9 **SECTION 48.** 59.37 of the statutes is amended to read:

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

22 **SECTION 49.** 59.53 (5) (a) of the statutes, as affected by 1997 Wisconsin Act 27,
23 is amended to read:

24 59.53 (5) (a) The board shall contract with the department of workforce
25 development to implement and administer the child and spousal support and

1 establishment of paternity and the medical support liability programs provided for
 2 by Title IV of the federal social security act. The board may designate by board
 3 resolution any office, officer, board, department or agency, except the clerk of circuit
 4 court, as the county child support agency. The board or county child support agency
 5 shall implement and administer the programs in accordance with the contract with
 6 the department of workforce development. The attorneys responsible for support
 7 enforcement under sub. (6) (a), ~~family circuit court commissioner~~ commissioners
 8 assisting in family matters and all other county officials shall cooperate with the
 9 county and the department of workforce development as necessary to provide the
 10 services required under the programs. The county shall charge the fee established
 11 by the department of workforce development under s. 49.22 for services provided
 12 under this paragraph to persons not receiving benefits under s. 49.148 or 49.155 or
 13 assistance under s. 46.261, 49.19 or 49.47.

14 **SECTION 50.** 59.53 (5m) (a) of the statutes is amended to read:

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

23 **SECTION 51.** 59.64 (1) (c) (title), 1. (intro.) and 2. of the statutes are amended
 24 to read:

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

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

13 **SECTION 52.** 59.64 (1) (d) (intro.) of the statutes is amended to read:

14 59.64 (1) (d) *Of court officers; certification; audit by district attorney; waiver.*
15 (intro.) Fees of officers, in any action or proceeding before a circuit or sunnlemental
16 court commissioner, shall be certified to and allowed by the board in the following
17 manner:

18 **SECTION 53.** 59.64 (1) (d) 1. (intro.) of the statutes is amended to read:

19 59.64 (1) (d) 1. (intro.) At least 10 days before the annual meeting of the board,
20 every circuit and sunnlemental court commissioner shall make and file with the clerk
21 a certified statement of all actions or proceedings had or tried before him or her
22 within the year next preceding the date of the statement in which the state was a
23 party and in which the county became liable for the fees of officers who appeared on
24 the part of either the state or a defendant. The statement shall include all of the
25 following:

1 **SECTION 54.** 59.64 (1) (d) 1m. of the statutes is amended to read:

2 **59.64 (1) (d) 1m.** The statement described in subd. 1 shall be substantially in
3 the following form:

4 STATE OF WISCONSIN

5 v.

6

7 **IN CIRCUIT COURT FOR COUNTY**

8 Complaint for

9 Before, ~~....~~ Circuit Court Commissioner.

10 Heard the day of (year)

11 To the County Board of County:

12 I hereby certify that in the foregoing entitled action the following named
13 persons rendered services and attended before me in the capacity stated, I further
14 certify that they [the] following named persons are severally entitled to the amounts
15 specified below for services, attendance and travel, that the services were actually
16 and necessarily rendered, and that the action was prosecuted in good faith:

17 A.B. (constable or sheriff), actually and necessarily traveled in serving the
18 herein, miles, and attended court days, and is entitled to \$.... for other just
19 and lawful services in the cause, and in all is entitled to \$.... .

20 Dated this day of, (year)

21 **SECTION 55.** 59.64 (1) (e) of the statutes is amended to read:

22 **59.64 (1) (e) Fees for statements and certificates.** Every circuit or sunnlemental
23 court commissioner shall receive from the treasurer \$1 per page for making
24 statements and returns required by par. (c) and \$1 for making each certificate
25 required by par. (d). All such statements and certificates shall be transmitted to the

1 clerk by certified mail and for transmitting the statements and certificates the circuit
2 or supplemental court commissioner shall receive \$1.

3 SECTION 56. 59.64 (1) (f) of the statutes is amended to read:

4 **59.64 (1) (f) ~~Court~~ Circuit and supplemental court commissioners.** The board
5 at any session thereof may as provided in par. (d) 2. examine and allow any
6 statement, account or claim of any circuit or supplemental court commissioner which
7 is on file with the clerk before the opening of the session of the board.

8 SECTION 57. 59.64 (1) (g) 4. of the statutes is amended to read:

9 59.64 (1) (g) 4. Any judge or circuit or supplemental court commissioner, juror,
10 witness, interpreter, attorney, guardian ad litem or recipient of transcript fees who
11 makes, signs or endorses any such certificate or order which is untrue in respect to
12 anything material, which he or she knows to be false, or which he or she does not have
13 good reason to believe is true, shall be punished as provided in s. 946.12.

14 SECTION 58. 59.79 (5) of the statutes is amended to read:

15 **59.79 (5) ~~FEES FOR CERTAIN MARRIAGE CEREMONIES~~.** Enact an ordinance imposing
16 a fee to be paid in advance to the clerk for each marriage ceremony performed by a
17 judge or a circuit or supplemental court commissioner specified in s. 765.16 (5) in the
18 courthouse, safety building or children's court center during hours when any office
19 in those public buildings is open for the transaction of business. The amount of the
20 fee shall be determined by the board.

21 SECTION 59. 63.03 (2) (z) of the statutes is amended to read:

22 63.03 (2) (z) ~~Full-time~~ Circuit court commissioners under s. 757.68 (1)
23 employed on a full-time basis.

24 SECTION 60. 69.15 (3m) (a) 3. and 4. of the statutes are amended to read:

1 69.15 **(3m)** (a) 3. Except as provided in subd. 4, the person rescinding the
2 statement files the document under subd. 2. before the day on which a court or ~~family~~
3 circuit court commissioner makes an order in an action affecting the family involving
4 the man who signed the statement and the child who is the subject of the statement
5 or before 60 days elapse after the statement was filed, whichever occurs first.

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

12 **SECTION 61.** 75.43 of the statutes is amended to read:

13 **75.43 Election to receive deposit; costs.** The county may, at any time
14 within 20 days after receiving an answer showing that a deposit has been made by
15 any defendant or defendants as provided in s. 75.42, give notice to such defendant
16 or defendants that it elects to receive such deposit and that it will, at a time specified
17 in such notice, apply to the clerk of the circuit court, circuit judge or a circuit court
18 commissioner to adjust the costs and disbursements which said defendant or
19 defendants ought to pay, and that upon the payment of the costs and disbursements
20 so adjudged the county will release to such defendant or defendants all right, title
21 and claim which it has to the parcel or parcels of land on account of which ~~such~~ the
22 deposit is made by virtue of any deed made for the nonpayment of taxes; and unless
23 ~~such~~ the costs are paid within 20 days after the same shall have been so adjusted the
24 clerk of the court shall, upon presentation of an affidavit showing the nonpayment

1 thereof, enter judgment therefor in favor of the county and against the defendant,
2 which shall be enforced as other money judgments.

3 **SECTION 62.** 101.02 (5) (c) of the statutes is amended to read:

4 101.02 (5) (c) In the discharge of his or her duties such agent shall have every
5 power of an inquisitorial nature granted in this subchapter to the department, the
6 same powers as a supplemental court commissioner with regard to the taking of
7 depositions and all powers granted by law to a supplemental court commissioner
8 relative to depositions.

9 **SECTION 63.** 103.005 (5) (c) of the statutes is amended to read:

10 103.005 (5) (c) In the discharge of his or her duties such agent shall have every
11 power of an inquisitorial nature granted in chs. 103 to 106 to the department, the
12 same powers as a supplemental court commissioner with regard to the taking of
13 depositions and all powers granted by law to a supplemental court commissioner
14 relative to depositions.

15 **SECTION 64.** 133.10 (1) of the statutes is amended to read:

16 133.10 (1) The examination of any party, or if a corporation or limited liability
17 company be a party, of the president, secretary, other principal officer or the general
18 managing agent thereof, or of the person who was such president, secretary, officer
19 or agent at the time of the occurrence of the facts made the subject of the
20 examination, or of any person acting for another or for a corporation, limited liability
21 company or partnership, other than as a witness on a trial, may be taken by
22 deposition at the instance of the department of justice in any such action or
23 proceeding at any time between the commencement thereof and final judgment.
24 Such deposition shall be taken within the state before a judge at chambers or a circuit
25 or supplemental court commissioner on previous notice to such party and any other

1 adverse party or the attorney thereof of at least 5 days, and may be taken without
2 the state.

3 **SECTION 65.** 133.11 (1) of the statutes is amended to read:

4 **133.11 (1)** Whenever the attorney general files with any ~~circuit~~ *or*
5 supplemental court commissioner a statement that the attorney general has reason
6 to believe and does believe that a violation of this chapter has occurred, the
7 commissioner shall issue a subpoena or a subpoena requiring the production of
8 materials as requested by the department of justice. Mileage or witness fees are not
9 required to be paid in advance but claims for such mileage and fees duly verified and
10 approved by the department of justice shall be audited and paid out of the state
11 treasury and charged to the appropriation provided by s. 20.455 (1) (d), and shall be
12 at the same rates as witnesses in the circuit court.

13 **SECTION 66.** 133.11 (3) of the statutes is amended to read:

14 **133.11 (3)** The sunnlemental court commissioner shall be entitled to the fees
15 as provided in s. 814.68 (1). All such fees and all other costs and expenses incident
16 to the inquiry shall be paid out of the appropriation provided by s. 20.455 (1) (d).

17 **SECTION 67.** 171.04 (1) of the statutes is amended to read:

18 **171.04 (1)** If any property delivered to any forwarding merchant, wharfinger
19 or warehouse keeper, for carriage or storage, is in a state of decay or manifestly liable
20 to immediate damage and decay, the person in whose custody the property is, the
21 person's agent or attorney, may make an affidavit of this fact, and present the
22 affidavit to a circuit: judge or supplemental court commissioner for the county in
23 which the property, is located, and the circuit judge or sunnlemental court
24 commissioner shall immediately make an order requiring the sheriff or any
25 constable of the county to immediately inspect the property, and directing him or her,

1 if it is found to be in a state of decay or manifestly liable to immediate damage or
2 decay, to summarily sell the property without notice.

3 **SECTION 68.** 171.04 (2) of the statutes is amended to read:

4 171.04 (2) If the sheriff or constable, upon inspection, finds the property to be
5 in a state of decay, or manifestly liable to immediate damage or decay, the sheriff or
6 constable shall attach to the order his or her affidavit stating such fact, and shall
7 make an inventory of the property, and shall summarily sell the property without
8 notice, and shall make full return of the sheriff's or constable's execution of the order
9 to the judge or sunnlemental court commissioner who issued the same, together with
10 the sheriff's or constable's affidavit, inventory and the proceeds of said sale, after
11 deducting the sheriff's or constable's fees therefrom.

12 **SECTION 69.** 171.04 (3) of the statutes is amended to read:

13 171.04 (3) From the proceeds of such sale, the judge or sunnlemental court
14 commissioner shall pay all legal charges that have been incurred in relation to the
15 property, or a ratable proportion of each charge if the proceeds of the sale are not
16 sufficient to pay all the charges; and the balance, if any, the judge or supplemental
17 court commissioner shall immediately pay over to the treasurer of the judge's or
18 commissioner's county, with a copy of all the proceedings in the matter. The county
19 treasurer shall file the copy in his or her office.

20 **SECTION 70.** 171.05 of the statutes is amended to read:

21 **171.05 Perishable property, held otherwise, how disposed of.** If any
22 property is perishable or subject to decay by keeping, the person in whose custody
23 the property is, the person's agent or attorney, may make an affidavit of this fact and
24 present the affidavit to a circuit judge or supplemental court commissioner for the
25 county in which the property is located, and the judge or sunnlemental court

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

24 **SECTION 71.** 171.06 of the statutes is amended to read:

1 **171.06 Unclaimed property, how disposed of.** When any property is not
2 perishable or subject to decay and is not claimed and taken away within one year
3 after it was received, it may be sold as follows: The person in whose custody the
4 property is, or the person's agent or attorney, may make an affidavit of the facts and
5 present the same to a judge or supplemental court commissioner of the county in
6 which the property is located and such judge or supplemental court commissioner
7 shall immediately issue an order requiring the sheriff or any constable of the county
8 to sell the property at public auction, giving 60 days' notice of the time and place of
9 the sale to the consignor, the consignee and the custodian of the property. This notice
10 shall be in writing and served personally or by mail upon the persons whose names
11 and residences are known. If the name or residence of any of the persons is unknown
12 and cannot be ascertained with reasonable diligence, the sheriff or constable shall
13 make an affidavit of this fact and shall publish a class 3 notice, under ch. 985, in the
14 county. At the time and place of the sale the sheriff or constable shall sell the property
15 at public auction and shall make a full return of the sheriff's or constable's
16 proceedings under the order to the judge or supplemental court commissioner
17 issuing the order, together with proof of service or publication of the notice of the sale,
18 and an inventory of the property sold and the proceeds of the sale after deducting the
19 sheriff's or constable's fees. From the proceeds of the sale the judge or sunplemental
20 court commissioner shall pay all legal charges that have been incurred in relation
21 to the property, including the charges of the person in whose custody the property
22 was when the proceedings were begun, or a ratable proportion of each charge if the
23 proceeds of the sale are not sufficient to pay all of the charges;
24 ~~the~~The judge or sunplemental court commissioner shall immediately pay any
25 balance remaining over to the treasurer of his or her county, with a copy of all

1 proceedings in the matter. The county treasurer shall file the copy in his or her office.
2 The person in whose custody the property is when any proceeding for the sale is
3 commenced? shall immediately notify the consignor and consignee of the sale, in
4 writing, and served by leaving a copy thereof with the consignor and consignee,
5 personally or by mail.

6 **SECTION 72.** 196.24 (2) of the statutes is amended to read:

7 196.24 (2) In the discharge of his or her duties, an agent appointed under sub.
8 (1) shall have any inquisitional power granted to the commission and the power of
9 a sunlemental court commissioner to take depositions under s. 757.69 (3) 757.675
10 (2) (b).

11 **SECTION 73.** 563.71 (1) (a) of the statutes is amended to read:

12 563.71 (1) (a) Whenever the attorney general files with a circuit or
13 sunlemental court commissioner a statement that the attorney general believes
14 that a violation of this chapter has occurred, the commissioner shall issue a subpoena
15 for any person requested or named by the attorney general. Mileage and witness fees
16 need not be paid in advance, but only verified claims for mileage and fees which are
17 approved by the attorney general shall be paid out of the state treasury and charged
18 to the appropriation under s. 20.455 (1) (d) and shall be the same rates as those paid
19 witnesses in circuit court.

20 **SECTION 74.** 563.71 (1) (c) of the statutes is amended to read:

21 563.71 (1) (c) The supplemental court commissioner shall be entitled to the fees
22 under s. 814.68 (1). All such fees and all other costs and expenses incident to such
23 inquiry shall be paid out of the appropriation under s. 20.455 (1) (d).

24 **SECTION 75.** 753.175 of the statutes is repealed.

25 **SECTION 76.** 757.001 of the statutes is created to read:

1 **757.001 Definitions.** In this chapter:

2 **(1)** “Circuit court commissioner” means a person appointed under SCR 75.02
3 (1) and a supplemental court commissioner authorized under SCR 75.02 (3) to the
4 limited extent of that authorization.

5 **(2)** “Supplemental court commissioner” means a person appointed under s.
6 757.675 (1).

7 **SECTION 77.** 757.01 (4) of the statutes is created to read:

8 757.01 (4) To exercise any of the powers and duties of a circuit court
9 commissioner.

10 **SECTION 78.** 757.24 of the statutes is amended to read:

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

17 **SECTION 79.** 757.30 (2) of the statutes is amended to read:

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

1 **SECTION 80.** 757.675 (title) of the statutes is created to read:

2 757.675 (title) **Supplemental court commissioners.**

3 **SECTION 81.** 757.68 (title) of the statutes is amended to read:

4 757.68 (title) **~~Court~~ Circuit court commissioners.**

5 **SECTION 82.** 757.68 (1) of the statutes is repealed and recreated to read:

6 757.68 **(1)** Subject to subs. (2m) to (5m), in every county organized for judicial
7 purposes, the county board shall establish the number of circuit court commissioner
8 positions necessary for the efficient administration of judicial business within the
9 circuit courts of the county. The circuit court commissioners may be employed on a
10 full-time or part-time basis. Chapter 75 of the supreme court rules shall govern the
11 qualifications for, and appointment, supervision, training, evaluation and discipline
12 of, circuit court commissioners. Any person qualified and acting as a judicial court
13 commissioner on August 1, 1978, shall be considered a circuit court commissioner
14 and shall continue in the classified county civil service but any person appointed as
15 a court commissioner after August 1, 1978, shall be in the unclassified civil service.
16 Each circuit court commissioner shall take and file the official oath in the office of
17 the clerk of the circuit court of the county for which appointed before performing any
18 duty of the office.

19 **SECTION 83.** 757.68 (2) (title) of the statutes is repealed.

20 **SECTION 84.** 757.68 **(2)** of the statutes is renumbered 757.675 (1) and amended
21 to read:

22 757.675 **(1)** In each county the circuit judges shall appoint such number of
23 pa&&-me supplemental court commissioners as the proper transaction of business
24 requires ~~subject to the following exception:~~ except that in counties having a
25 population of 200,000 or more each judge may appoint not more than 2 ~~such~~

(1) supplemental ^{court} commissioners and in counties having a population of less than 200,000 each judge shall, as nearly as possible, appoint an equal number of

(3) supplemental ^{court} commissioners within the county. In all counties the appointments shall be subject to the approval of a majority of the circuit judges for the county. Appointments shall be in writing and shall be filed in the office of the clerk of the circuit court. All supplemental court commissioners appointed after May 16, 1978, ~~other than official court reporters acting under s. 814.68 (1) (b) performing duties or exercising powers specified for court reporters,~~ shall be attorneys licensed to practice in this state. The appointing judge may remove, at will and without cause, any supplemental court commissioner appointed by the judge or the judge's predecessor in office. Unless he or she is so removed, the term of each supplemental court commissioner shall continue until the expiration of the term of the appointing judge

(13) ^{plain text} ~~and until the successor of the commissioner is appointed and qualified.~~ Each supplemental court commissioner shall take and file the official oath in the office of clerk of the circuit court of the county for which appointed before performing any duty of the office.

SECTION 85. 757.68 (3), (4) and (5) (title) of the statutes are repealed.

SECTION 86. 757.68 (5) of the statutes is renumbered 757.675 (6) and amended to read:

757.675 (6) ~~Part-time~~ Supplemental court commissioners appointed under sub. (2) (1) shall collect the fees prescribed in s. 814.68 (1).

SECTION 87. 757.68 (5m) of the statutes is created to read:

757.68 (5m) In counties having a population of 500,000 or more, the county board shall establish at least one circuit court commissioner position on a full-time basis to assist in small claims matters under ch. 799. In counties having a population

1 of less than 500,000, the county board may establish one or more circuit court
2 commissioner positions on a part-time or full-time basis to assist in small claims
3 matters under ch. 799.

4 **SECTION 88.** 757.68 (6) of the statutes is created to read:

5 757.68 (6) The county board shall set the salary of persons appointed as circuit
6 court commissioners. The county board shall furnish circuit court commissioners
7 with necessary office space, furnishings, supplies and services.

8 **SECTION 89.** 757.68 (7) of the statutes is created to read:

9 757.68 (7) The chiefjudge of the judicial administrative district may assign law
10 clerks, bailiffs and deputies to a circuit court commissioner. The chief judge shall
11 supervise those law clerks, bailiffs and deputies assigned to the court, except that the
12 chief judge may delegate that authority.

13 **SECTION 90.** 757.69 (title) of the statutes is amended to read:

14 757.69 (title) **Powers and duties of circuit court commissioners.**

15 **SECTION 91.** 757.69 (1) (intro.) of the statutes is repealed and recreated to read:

16 757.69 (1) (intro.) A circuit court commissioner may:

17 **SECTION 92.** 757.69 (1) (b) of the statutes is amended to read:

18 757.69 **(1)** (b) In criminal matters issue summonses, arrest warrants or search
19 warrants ~~and, determine nrobable cause to support a warrantless arrest,~~ conduct
20 initial appearances of persons arrested and, set bail ~~to the same extent as a judge.~~
21 ~~At the initial appearance, the court commissioner shall, when necessary, inform the~~
22 ~~defendant in accordance with s. 970.02 (1). If the defendant appears or claims to be~~
23 ~~unable to afford counsel, the court commissioner, in accordance with s. 970.02 (6),~~
24 ~~may and~~ refer the person to the authority for indigency determinations specified
25 under s. 977.07 (1). ~~If the court commissioner is a full-time~~ A circuit court

1 commissioner, ~~he or she~~ employed on a full-time basis may conduct the preliminary
 2 examination and arraignment ~~to the same extent as a judge~~ and, with the consent
 3 of both the state and the defendant, ~~may~~ accept a guilty plea. If a court refers a
 4 disputed restitution issue under s. 973.20 (13) (c) 4., the circuit court commissioner
 5 shall conduct the hearing on the matter in accordance with s. 973.20 (13) (c) 4.

6 SECTION 93.757.69 (1) (g) of the statutes is renumbered 757.69 (1) (g) (intro.)
 7 and amended to read:

8 757.69 (1) (g) (intro.) When assigned to ~~the~~ assist a court assigned jurisdiction under
 9 ~~chs. 48 and 938, a court commissioner may, under ch. 48 or 938, issue~~ in juvenile matters

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

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

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

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

15 5. Conduct uncontested proceedings under ~~ss. 48.13, 48.133, 938.12, 938.13 and~~ 5.
 16 ~~938.18, enter.~~ or

17 6. Enter into consent decrees.

18 7. Exercise the powers and perform the duties specified in par. (j) or (m),
 19 whichever is applicable, in proceedings under s. 813.122 or 813.125 in which the
 20 respondent is a child. ~~Contested waiver hearings under c. 938.18 and dispositional~~
 21 ~~hearings under ss. 48.335 and 938.335 shall be conducted by a judge. When acting~~
 22 ~~in an official capacity and assigned to the children's court center, a court~~
 23 ~~commissioner shall sit at the children's court center or such other facility designated~~
 24 ~~by the chief judge. Any decision by the commissioner shall be reviewed by the judge~~
 25 ~~of the branch of court to which the case has been assigned, upon motion of any party.~~

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

4 SECTION 94. 757.69 (1) (g) 8. to ~~15.~~^{14.} of the statutes are created to read:

5 757.69 (1) (g) 8. Conduct hearings under s. 48.21 or 938.21 and thereafter order
6 a child or juvenile held in or released from custody.

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

9 10. Conduct plea hearings.

10 11. Enter into consent decrees.

11 12. Conduct prehearing conferences.

12 13. Issue orders requiring compliance with deferred prosecution agreements.

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

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

15 SECTION 95. 757.69 (1) (k) of the statutes is repealed and recreated to read:

16 757.69 (1) (k) Administer oaths, take, certify and report depositions and
17 testimony, take and certify acknowledgments, allow accounts and fix the amount and
18 approve the sufficiency of bonds.

19 SECTION 96. 757.69 (1m) of the statutes is created to read:

20 757.69 (1m) Circuit court commissioners assigned to assist a court in juvenile
21 matters shall sit at the children's court center, the usual court facility for juvenile
22 matters or such other facility designated by the chief judge of the judicial
23 administrative district. Those commissioners may not do any of the following:

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

insert
42-14

insert
42-18

1 (b) Make dispositions other than approving consent decrees, ordering
2 compliance with deferred prosecution agreements and ordering dispositions in
3 uncontested proceedings under s. 48.13, 48.133, 938.12 or 938.13.

4 (c) Conduct hearings for the termination of parental rights or for adoptions.

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

9 (e) Conduct hearings, make findings or issue orders in proceedings under s.
10 48.977 or 48.978.

11 (f) Conduct waiver hearings under s. 938.18, except as provided in sub. (1) (g)
12 5.

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

14 **SECTION 97.** 757.69 (2) (intro.) of the statutes is amended to read:

15 757.69 (2) (intro.) A judge may refer to a circuit court commissioner appointed
16 ~~under s. 48.065, 757.69, 757.72, 767.11? or 938.065/SCR 75.02(2)~~ cases in which:

17 **SECTION 98.** 757.69 (2) (a) of the statutes is amended to read:

18 757.69 (2) (a) The trial of an issue of fact requires the examination of an
19 account, in which case the circuit court commissioner may be directed to report upon
20 any specific question of fact involved therein.

21 **SECTION 99.** 757.69 (2m) of the statutes is created to read:

22 757.69 (2m) Circuit court commissioners may exercise, under their own
23 authority, all of the powers listed under s. 757.675 (2) to (5).

24 **SECTION 100.** 757.69 (3) of the statutes is renumbered 757.675 (2), and 757.675
25 (2) (intro.) and (g), as renumbered, are amended to read:

1 757.675 (2) (intro.) ~~Court~~ Supplemental court commissioners ~~appointed under~~
2 ~~s. 48.065, 757.68, 757.72, 767.13 or 938.065~~ may, under their own authority:

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

6 **SECTION 101.** 757.69 (4) and (5) of the statutes are renumbered 757.675 (3) and
7 (4) and amended to read:

8 757.675 (3) In addition to the duties expressly set forth in sub. ~~(3)~~ (2) (a) to ~~(e)~~
9 (i), a sunnlemental court commissioner may perform other ministerial duties as
10 required by a court.

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

13 **SECTION 102.** 757.69 (6) of the statutes is repealed.

14 **SECTION 103.** 757.69 (7) of the statutes is renumbered 757.675 (5) and amended
15 to read:

16 757.675 (5) A supplemental court commissioner shall refer to a court of record
17 for appropriate action every alleged showing of contempt in the carrying out of the
18 lawful decisions of the supplemental court commissioner.

19 **SECTION 104.** 757.69 (8) of the statutes is created to read:

20 757.69 (8) Any decision of a circuit court commissioner shall be reviewed by the
21 judge of the branch of court to which the case has been assigned, upon motion by any
22 party. Any determination, order or ruling by a circuit court commissioner may be
23 certified to the branch of court to which the case has been assigned, upon a motion
24 of any party for a hearing de novo.

25 **SECTION 105.** 757.695 of the statutes is repealed.

1 **SECTION 106.** 757.70 (2) of the statutes is amended to read:

2 757.70 (2) All hearings before a circuit or supplemental court commissioner
3 shall be held in the county courthouse or other court facilities provided by law. This
4 provision does not apply to nontestimonial proceedings, supplementary hearings on
5 the present financial status of a debtor under s. ~~757.69 (3)~~ 757.675 (2) (h) or
6 depositions taken before a circuit or supplemental court commissioner.

7 **SECTION 107.** 757.72 (title) of the statutes is repealed.

8 **SECTION 108.** 757.72 (1) of the statutes is renumbered 757.68 (4m) and
9 amended to read:

10 757.68 (4m) In counties having a population of 500,000 or more, there is
11 created in the classified civil service a circuit court commissioner position to
12 supervise the office of probate court commissioner and to assist the court in probate
13 matters. In counties having a population of at least 100,000 but not more than
14 500,000, the county board may create a circuit court commissioner position to
15 supervise the office of probate court commissioner ~~which~~ and to assist in nrobate
16 matters. That position may be in the classified civil service. If the chief judge
17 delegates that authority to a judge assigned to nrobate jurisdiction, that judge may
18 assign to the circuit court commissioner any matters over which the judge has
19 jurisdiction, and the circuit court commissioner may determine such matters and
20 may sign any order or certificate required by that deterrnation.

21 **SECTION 109.** 757.72 (2) of the statutes is repealed.

22 **SECTION 110.** 757.72 (3) of the statutes is repealed.

23 **SECTION 111.** 757.72 (4) of the statutes is repealed.

24 **SECTION 112.** 757.72 (5) of the statutes is renumbered 851.73 (1) (g) and
25 amended to read:

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

4 **SECTION 113.** 757.72 (6) of the statutes is repealed.

5 **SECTION 114.** 757.72 (7) of the statutes is repealed.

6 **SECTION 115.** 757.72 (8) of the statutes is repealed.

7 **SECTION 116.** 757.81 (2) of the statutes is repealed.

8 **SECTION 117.** 757.81 (6) of the statutes is amended to read:

9 757.81 (6) "Permanent disability" means a physical or mental incapacity which
10 impairs the ability of a judge or circuit or sunnlemental court commissioner to
11 substantially perform the duties of his or her judicial office and which is or is likely
12 to be of a permanent or continuing nature.

13 **SECTION 118.** 757.85 (1) (a) of the statutes is amended to read:

14 757.85 (1) (a) The commission shall investigate any possible misconduct or
15 permanent disability of a judge or circuit or sunnlemental court commissioner.
16 Misconduct constitutes cause under article VII, section 11, of the constitution.
17 Except as provided in par. (b), judges, circuit or supplemental court commissioners,
18 clerks, court reporters, court employes and attorneys shall comply with requests by
19 the commission for information, documents and other materials relating to an
20 investigation under this section.

21 **SECTION 119.** 757.85 (1) (b) of the statutes is amended to read:

22 757.85 (1) (b) The judge or circuit or supplemental court commissioner who is
23 under investigation is not subject to the request procedure under par. (a) but is
24 subject to the subpoena procedure under sub. (2).

25 **SECTION 120.** 757.85 (3) of the statutes is amended to read:

1 757.85 (3) The commission may notify a judge or circuit or supplemental court
2 commissioner that the commission is investigating possible misconduct by or
3 permanent disability of the judge or circuit or supplemental court commissioner.
4 Before finding probable cause, the commission shall notify the judge or circuit or
5 supplemental court commissioner of the substance of the complaint or petition and
6 afford the ' judge or circuit or supplemental court commissioner a reasonable
7 opportunity to respond. If the judge or circuit or supplemental court commissioner
8 responds, the commission shall consider the response before it finds probable cause.

9 **SECTION 121.** 757.85 (4) of the statutes is amended to read:

10 757.85 (4) The commission may require a judge or circuit or supplemental court
11 commissioner who is under investigation for permanent disability to submit to a
12 medical examination arranged by the commission.

13 **SECTION 122.** 757.85 (5) of the statutes is amended to read:

14 757.85 (5) The commission shall, upon a finding of probable cause that a judge
15 or circuit or supplemental court commissioner has engaged or is engaging in
16 misconduct, file a formal complaint with the supreme court. Upon a finding of
17 probable cause that a judge or circuit or supplemental court commissioner has a
18 permanent disability, the commission shall file a petition with the supreme court.
19 If the commission requests a jury under s. 757.87 (1), the request shall be attached
20 to the formal complaint or the petition.

21 **SECTION 123.** 757.87 (1) of the statutes is amended to read:

22 757.87 (1) After the commission has found probable cause that a judge or
23 circuit or supplemental court commissioner has engaged in misconduct or has a
24 permanent disability, and before the commission files a formal complaint or a
25 petition under s. 757.85 (5), the commission may, by a majority of its total

1 membership not disqualified from voting, request a jury hearing. If a jury is not
2 requested, the matter shall be heard by a panel constituted under sub. (3). The vote
3 of each member on the question of a jury request shall be recorded and shall be
4 available for public inspection under s. 19.35 after the formal complaint or the
5 petition is filed.

6 **SECTION 124.** 757.89 of the statutes is amended to read:

7 **757.89 Hearing.** A record shall be kept of any hearing on a formal complaint
8 or a petition. The allegations of the complaint or petition must be proven to a
9 reasonable certainty by evidence that is clear, satisfactory and convincing. The
10 hearing shall be held in the county where the judge or circuit or supplemental court
11 commissioner resides unless the presiding judge changes venue for cause shown or
12 unless the parties otherwise agree. If the hearing is by a panel, the panel shall make
13 findings of fact, conclusions of law and recommendations regarding appropriate
14 discipline for misconduct or appropriate action for permanent disability and file the
15 findings, conclusions and recommendations with the supreme court. If a jury
16 hearing is requested under s. 757.87 (1), the presiding judge shall instruct the jury
17 regarding the law applicable to judicial misconduct or permanent disability, as
18 appropriate. The presiding judge shall file the jury verdict and his or her
19 recommendations regarding appropriate discipline for misconduct or appropriate
20 action for permanent disability with the supreme court.

21 **SECTION 125,** 757.93 (1) (a) of the statutes is amended to read:

22 **757.93 (1) (a)** All proceedings under ss. 757.81 to 757.99 relating to misconduct
23 or permanent disability prior to the filing of a petition or formal complaint by the
24 commission are confidential unless a judge or circuit or sunnlemental court
25 commissioner waives the right to confidentiality in writing to the commission. Any

1 such waiver does not affect the confidentiality of the identity of a person providing
2 information under par. (b).

3 **SECTION 126.** 757.93 (1) (b) of the statutes is amended to read:

4 757.93 (1) (b) Any person who provides information to the commission
5 concerning possible misconduct or permanent disability may request that the
6 commission not disclose his or her identity to the judge or circuit or sunnlemental
7 court commissioner prior to the filing of a petition or a formal complaint by the
8 commission.

9 **SECTION 127.** 757.93 (2) of the statutes is amended to read:

10 757.93 (2) If prior to the filing of a formal complaint or a petition an
11 investigation of possible misconduct or permanent disability becomes known to the
12 public, the commission may issue statements in order to confirm the pendency of the
13 investigation, to clarify the procedural aspects of the disciplinary proceedings, to
14 explain the right of the judge or circuit or supplemental court commissioner to a fair
15 hearing without prejudgment, to state that the judge or court commissioner denies
16 the allegations, to state that an investigation has been completed and no probable
17 cause was found or to correct public misinformation.

18 **SECTION 128.** 757.93 (4) (a) of the statutes is amended to read:

19 757.93 (4) (a) Referring to the director of state courts information relating to
20 an alleged delay or an alleged temporary disability of a judge or circuit or
21 supplemental court commissioner.

22 **SECTION 129.** 757.95 of the statutes is amended to read:

23 **757.95 Temporary suspension by supreme** court. The supreme court may,
24 following the filing of a formal complaint or a petition by the commission, prohibit
25 a judge or circuit or sunnlemental court commissioner from exercising the powers of

1 a judge or circuit or supplemental court commissioner pending final determination
2 of the proceedings.

3 **SECTION 130.** 757.99 of the statutes is amended to read:

4 **757.99 Attorney fees.** A judge or circuit or supplemental court commissioner
5 against whom a petition alleging permanent disability is filed by the commission
6 shall be reimbursed for reasonable attorney fees if the judge or circuit or
7 supplemental court commissioner is found not to have a permanent disability. A
8 judge or circuit or supplemental court commissioner against whom a formal
9 complaint alleging misconduct is filed by the commission and who is found not to
10 have engaged in misconduct may be reimbursed for reasonable attorney fees. Any
11 judge or circuit or supplemental court commissioner seeking recovery of attorney
12 fees authorized or required under this section shall file a claim with the claims board
13 under s. 16.53.

14 **SECTION 131.** 765.11 (1) of the statutes is amended to read:

15 765.11 (1) If any parent, grandparent, child, or natural guardian of a minor
1 6 applicant for a marriage license, any brother, sister or guardian of either of the
17 applicants for a marriage license, either of the applicants, the district attorney or ~~the~~
18 ~~family~~ a circuit court commissioner believes that the statements of the application
19 are false or insufficient, or that the applicants or either of them are incompetent to
20 marry, that person may file with the court having probate jurisdiction in the county
21 in which the marriage license is applied for, a petition under oath, setting forth the
22 grounds of objection to the marriage and asking for an order requiring the parties
23 making such application to show cause why the marriage license should not be
24 refused. Whereupon, the court, if satisfied that the grounds of objection are prima
25 facie valid, shall issue an order to show cause as aforesaid, returnable as the court

1 directs, but not more than 14 days after the date of the order, which shall be served
2 forthwith upon the applicants for the marriage license residing in the state, and upon
3 the clerk before whom the application has been made, and shall operate as a stay
4 upon the issuance of the marriage license until further ordered; if either or both of
5 the applicants are nonresidents of the state the order shall be served forthwith upon
6 the nonresident by publication of a class 1 notice, under ch. 985, in the county
7 wherein the application is pending, and by mailing a copy thereof to the nonresident
8 at the address contained in the application.

9 **SECTION 132.** 765.11 (2) of the statutes is amended to read:

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

23 **SECTION 133.** 765.16 (5) of the statutes is amended to read:

1 765.16 (5) Any ~~family court commissioner appointed under s. 767.13~~ or circuit
2 court commissioner appointed under SCR 75.02 (1) or supplemental court
3 commissioner appointed under s. ~~757.68~~ 757.675 (1).

4 **SECTION 134.** 767.045 (1) (c) (intro.) of the statutes is amended to read:

5 767.045 **(1)** (c) (intro.) The attorney responsible for support enforcement under
6 s. 59.53 (6) (a) may request that the court or family ^acircuit court commissioner
7 appoint a guardian ad litem to bring an action or motion on behalf of a minor who
8 is a nonmarital child whose paternity has not been acknowledged under s. 767.62 (1)
9 or a substantially similar law of another state or adjudicated for the purpose of
10 determining the paternity of the child, and the court or family circuit court
11 commissioner shall appoint a guardian ad litem, if any of the following applies:

12 **SECTION 135.** 767.081 (title) of the statutes is amended to read:

13 767.081 (title) **Information from the office of family court commissioner.**

14 **SECTION 136.** 767.081 (1) of the statutes is amended to read:

15 767.081 **(1)** Upon the filing of an action affecting the family, the office of family
16 court commissioner shall inform the parties of any services, including referral
17 services, offered by the office of family court commissioner and by the director of
18 family court counseling services under s. 767.11.

19 **SECTION 137.** 767.081 (2) (a) (intro.) of the statutes is amended to read:

20 767.081 (2) (a) (intro.) ~~The family~~ ^Acircuit court commissioner shall, with or
21 without charge, provide the party with written information on the following, as
22 appropriate to the action commenced:

23 **SECTION 138.** 767.081 (2) (b) of the statutes is amended to read:

1

767.081 (2) (b) ~~The family~~^A/circuit court commissioner shall provide a party, for inspection or purchase, with a copy of the statutory provisions in this chapter generally pertinent to the action.

4

SECTION 139. 767.083 (2) of the statutes is amended to read:

5

767.083 (2) An order by the court, after consideration of the recommendation of ~~the family~~⁴/circuit court commissioner, directing an immediate hearing on the petition for the protection of the health or safety of either of the parties or of any child of the marriage or for other emergency reasons consistent with the policies of this chapter. The court shall upon granting such order specify the grounds therefor.

10

SECTION 140. 767.085 (1) (i) of the statutes is amended to read:

11

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

18

SECTION 141. 767.085 (1) (j) (intro.) of the statutes is amended to read:

19

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

22

SECTION 142. 767.087 (1) (b) of the statutes is amended to read:

24

767.087 (1) (b) If the action is one under s. 767.02 (1) (a), (b), (c), (d), (h) or (i), encumbering, concealing, damaging, destroying, transferring or otherwise disposing

✓
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53-22 →

1 of property owned by either or both of the parties, without the consent of the other
2 party or an order of the court or ~~family~~^a circuit court commissioner, except in the usual
3 course of business, in order to secure necessities or in order to pay reasonable costs
4 and expenses of the action, including attorney fees.

5 **SECTION 143.** 767.087 (1) (c) of the statutes is amended to read:

6 767.087 (1) (c) Unless the action is one under s. 767.02 (1) (g) or (h), without
7 the consent of the other party or an order of the court or ~~family~~^a circuit court
8 commissioner, establishing a residence with a minor child of the parties outside the
9 state or more than 150 miles from the residence of the other party within the state,
10 removing a minor child of the parties from the state for more than 90 consecutive
11 days or concealing a minor child of the parties from the other party.

12 **SECTION 144.** 767.087 (2) of the statutes is amended to read:

13 767.087 (2) The prohibitions under sub. (1) shall apply until the action is
14 dismissed, until a final judgment in the action is entered or until the court or ~~family~~
15 ^a court commissioner orders otherwise.

16 **SECTION 145.** 767.11 (1) (c) of the statutes is amended to read:

17 767.11 (1) (c) A county or counties may designate a the supervisor of the office
18 of family court commissioner as the director under par. (a) or (b).

19 **SECTION 146.** 767.11 (5) (a) of the statutes is amended to read:

20 767.11 (5) (a) In any action affecting the family, including a revision of
21 judgment or order under s. 767.32 or 767.325, in which it appears that legal custody
22 or physical placement is contested, the court or ~~family~~ circuit court commissioner
23 shall refer the parties to the director of family court counseling services for possible
24 mediation of those contested issues. The court or ~~the family~~[↓] circuit court
25 commissioner shall inform the parties that the confidentiality of communications in

1 mediation is waived if the parties stipulate under sub. (14) (c) that the person who
2 provided mediation to the parties may also conduct the legal custody or physical
3 placement study under sub. (14).

4 **SECTION 147.** 767.11 (5) (b) of the statutes is amended to read:

5 767.11 (5) (b) If both parties to any action affecting the family wish to have joint
6 legal custody of a child, either party may request ^{that} the court or family circuit court
7 commissioner ^A refer the parties to the director of family court counseling services
8 for assistance in resolving any problem relating to joint legal custody and physical
9 placement of the child. Upon request, the court shall so refer the parties.

10 **SECTION 148.** 767.11 (5) (c) of the statutes is amended to read:

11 767.11 (5) (c) A person who is awarded periods of physical placement, a child
12 of such a person, a person with visitation rights or a person with physical custody of
13 a child may notify ^{the} family circuit court commissioner of any problem he or she has
14 relating to any of these matters. Upon notification, the family circuit court
15 commissioner may refer any person involved in the matter to the director of family
16 court counseling services for assistance in resolving the problem.

17 **SECTION 149.** 767.11 (6) of the statutes is amended to read:

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

1 **SECTION 150.** 767.11 (7) of the statutes is amended to read:

2 **767.11 (7) PRIVATE MEDIATOR.** The parties to any action affecting the family may,
3 at their own expense, receive mediation services from a mediator other than one who
4 provides services under sub. (3). Parties who receive services from such a mediator
5 shall sign and file with the director of family court counseling services and with the
6 court or ~~family circuit~~ court commissioner a written notice stating the mediator's
7 name and the date of the first meeting with the mediator.

8 **SECTION 151.** 767.11 (13) of the statutes is amended to read:

9 **767.11 (13) POWERS OF COURT OR ~~FAMILY CIRCUIT~~ COURT COMMISSIONER.** Except as
10 provided in sub. (8), referring parties to mediation under this section does not affect
11 the power of the court or ~~family~~^a/~~circuit~~ court commissioner to make any necessary
12 order relating to the parties during the course of the mediation.

13 **SECTION 152.** 767.115 (1) (a) of the statutes is amended to read:

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

20 **SECTION 153.** 767.115 (1) (b) of the statutes is amended to read:

21 **767.115 (1) (b)** At any time during the pendency of an action to determine the
22 paternity of a child, or an action affecting the family for which the underlying action
23 was an action to determine the paternity of a child, if the court or ~~family circuit~~ court
24 commissioner determines that it is appropriate and in the best interest of the child,
25 the court or ~~family circuit~~ court commissioner, on its own motion, may order either

1 or both of the parties to attend a program specified by the court or family circuit court
2 commissioner providing training in parenting or coparenting skills, or both.

3 **SECTION 154.** 767.115 (1m) of the statutes is amended to read:

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

10 **SECTION 155.** 767.115 (2) of the statutes is amended to read: ✓ ✓

11 767.115 (2) Notwithstanding s. 767.07, the court or family circuit court
12 commissioner may require the parties to attend a program under sub. (1) as a
13 condition to the granting of a final judgment or order in the action affecting the
14 family that is pending before the court or family circuit court commissioner. ↑

15 **SECTION 156.** 767.12 (1) of the statutes is amended to read:

16 767.12 (1) **PROCEEDINGS.** In actions affecting the family, all hearings and trials
17 to determine whether judgment shall be granted, except hearings under s. ~~767.13(5)~~
18 757.69 (1) (p) 3., shall be before the court. The testimony shall be taken by the
19 reporter and shall be written out and filed with the record if so ordered by the court.
20 Custody proceedings shall receive priority in being set for hearing.

21 **SECTION 157.** 767.125 of the statutes is amended to read:

22 **767.125 Order for appearance of litigants.** Unless nonresidence in the
23 state is shown by competent evidence, service is by publication, or the court shall for
24 other good cause otherwise order, both parties in actions affecting the family shall
25 be required to appear upon the trial. An order of the court or family circuit court

1 commissioner to that effect shall accordingly be procured by the moving party, and
2 shall be served upon the nonmoving party before the trial. In the case of a joint
3 petition the order is not required.

4 SECTION 158. 767.13 (title) of the statutes is repealed.

5 SECTION 159. 767.13 (1) of the statutes is renumbered 757.68 (2m) (a) and
6 amended to read:

7 757.68 (2m) (a) *Counties other than Milwaukee.* 1. 'Appointment. In each
8 county, except in a county having a population of 500,000 or more, ~~the circuit judges~~
9 ~~for the county, subject to the approval of the chief judge of the judicial administrative~~
10 ~~district?~~ shall, by order filed in the office of the clerk of the circuit court on or before
11 the first Monday of July of each year, appoint ~~some reputable attorney of recognized~~
12 ~~ability and standing at the bar as the~~ a circuit court commissioner to supervise the
13 office of family court commissioner for the county.

14 2. Powers; civil service; oath; temporary appointment; assistants. The family
15 court commissioner, ~~by virtue of the office and in the extent required for the~~
16 ~~performance of the duties, has the powers of a court commissioner.~~ The circuit court
17 commissioner appointed to supervise the office of family court commissioner is in
18 addition to the maximum number of ^{circuit} court commissioners permitted by s. 757.68.
19 The circuit court commissioner supervising the office of the family court
20 commissioner, or any assistant circuit court commissioner assisting in family
21 matters, may be placed under a county civil service system by resolution of the county
22 board. Before entering upon the discharge of the duties the family court
23 commissioner shall take and file the official oath. The person appointed shall
24 continue to act until a successor is appointed and qualified, except that in the event
25 of disability or extended absence the judges may appoint another reputable attorney

one of these is wrong!

(c)

1 to act as temporary family court commissioner. The county board may provide that
 2 one or more assistant family court commissioners shall be appointed by the circuit
 3 judges for the county, subject to the approval of the chief judge of the judicial
 4 administrative district. An assistant family court commissioner shall have the same
 5 qualifications as the commissioner and shall take and file the official oath.

6 SECTION 160. 767.13 (2) (title) of the statutes is repealed.

7 SECTION 161. 767.13 (2) (a) of the statutes is renumbered 757.68 (2m) (b) and
 8 amended to read:

9 757.68 (2m) (b) ~~Appointment; assistants; civil service~~ **Milwaukee County.** In
 10 counties having a population of 500,000 or more, there is created in the classified civil
 11 service a circuit court commissioner position to supervise the office of family court
 12 commissioner and such additional ~~assistant family circuit court commissioners~~
 13 commissioner positions as the county board shall determine and authorize, ~~who,~~
 14 Circuit court commissioners shall be appointed from the membership of the bar
 15 residing in the county to these positions by the chief judge of the judicial
 16 administrative district ^{plain text} ~~under ss. 63.01 to 63.17 SCR 75.02 (1).~~

17 SECTION 162. 767.13 (2) (b), (3) and (4) of the statutes are repealed.

18 SECTION 163. 767.13 (5) (title) and (a) (title) of the statutes are repealed.

19 SECTION 164. 767.13 (5) (a) of the statutes is renumbered 757.69 (1) (p) and
 20 amended to read:

21 757.69 (1) (p) ~~On authority delegated by a judge, which may be by a standard~~
 22 ~~order, and with the approval of the chief judge of the judicial administrative district,~~
 23 a family When assigned to assist in matters affecting the family:

24 1. A circuit court commissioner may preside at any hearing held to determine
 25 whether a judgment of divorce shall be granted, if both parties state that the

1 marriage is irretrievably broken and that all material issues, including but not
 2 limited to division of property or estate, legal custody, physical placement, child
 3 support, spousal maintenance and family support, are resolved or if one party does
 4 not participate in the action for divorce. ~~The family circuit~~ court commissioner may
 5 grant and enter judgment in any action over which he or she presides under this
 6 ~~paragraph subdivision~~ unless the judgment modifies an agreement between the
 7 parties on material issues. If the family circuit court commissioner does not approve
 8 an agreement between the parties on material issues, the action shall be certified to
 9 the court for trial.

10 **SECTION 165.** 767.13 (5) (b) (title) of the statutes is repealed.

11 **SECTION 166.** 767.13 (5) (b) of the statutes is renumbered 757.69 (1) (p) 2. and
 12 amended to read:

13 757.69 (1) (p)2. ~~On authority delegated by a judge, which may be by a standard~~
 14 ~~order, a family~~ A circuit court commissioner may conduct hearings and enter
 15 judgments in actions for enforcement of, or revision of judgment for, maintenance,
 16 custody, physical placement or visitation.

17 **SECTION 167.** 767.13 (5) (c) (title) of the statutes is repealed.

18 **SECTION 168.** 767.13 (5) (c) of the statutes is renumbered 757.69 (1) (p) 3. and
 19 amended to read:

20 757.69 (1) (p)3. ^{plain text} ~~Except when~~ otherwise ordered by a judge, a family ~~circuit~~
 21 court commissioner may conduct hearings and enter orders and judgments in actions
 22 to establish paternity, in actions to establish or enforce a child support or a family
 23 support obligation and in actions to revise orders or judgments for child support or
 24 family support.

*prohibited by the chief judge
of the judicial administrative district
1a*

25 **SECTION 169.** 767.13 (6) of the statutes is repealed.

circuit court commissioner supervising the

1 SECTION 170. 767.13 (7) (title) of the statutes is repealed.

2 SECTION 171. 767.13 (7) of the statutes is renumbered 757.69 (1) (p) 4. and
3 amended to read:

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

7 SECTION 172. 767.14 of the statutes is amended to read:

8 **767.14 Service on office of family court commissioner and appearance**
9 **by family circuit court commissioner.** In any action affecting the family, each
10 party shall, either within 20 days after making service on the opposite party of any
11 petition or pleading or before filing such petition or pleading in court, serve a copy
12 of the same upon the office of family court commissioner of the county in which the
13 action is begun, whether such action is contested or not. No judgment in any such
14 action shall be granted unless this section is complied with except when otherwise
15 ordered by the court. ~~Such~~ A circuit court commissioner assisting in matters
16 affecting the family may appear in an action under this chapter when appropriate;
17 and shall appear when requested by the court.

18 SECTION 173. 767.145 (1) of the statutes is amended to read:

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

22 SECTION 174. 767.15 (1) of the statutes is amended to read:

23 767.15 (1) In any action affecting the family in which either party is a recipient
24 of benefits under ss. 49.141 to 49.161 or aid under s. 46.261, 49.19 or 49.45, each party
25 shall, either within 20 days after making service on the opposite party of any motion

1 or pleading requesting the court or ~~family circuit~~ court commissioner to order, or to
2 modify a previous order, relating to child support, maintenance or family support, or
3 before filing the motion or pleading in court, serve a copy of the motion or pleading
4 upon the county child support agency under s. 59.53 (5) of the county in which the
5 action is begun.

6 SECTION 175. 767.16 of the statutes is amended to read:

7 **767.16 Family Circuit court commissioner or law partner; when**
8 **interested; procedure.** Neither a ~~family circuit~~ court commissioner assisting in
9 matters affecting the family nor a partner may appear in any action affecting the
10 family in any court held in the county in which the ~~family circuit~~ court commissioner
11 is acting, except when authorized to appear by s. 767.14. In case the circuit court
12 commissioner or a partner shall be in any way interested in such action, the
13 presiding judge shall appoint some reputable attorney to perform the services
14 enjoined upon ~~such family~~ the circuit court commissioner ~~and such.~~ The appointed
15 attorney,- shall take and file the oath and receive the compensation
16 provided by law.

17 SECTION 176. 767.17 of the statutes is repealed.

18 SECTION 177. 767.23 (1) (intro.) of the statutes is amended to read:

19 767.23 (1) (intro.) Except as provided in ch. 822, in every action affecting the
20 family, the court or ~~family circuit~~ court commissioner may, during the pendency
21 thereof, make just and reasonable temporary orders concerning the following
22 matters:

23 SECTION 178. 767.23 (1) (a) of the statutes is amended to read:

24 767.23 (1) (a) Upon request of one party, granting legal custody of the minor
25 children to the parties jointly, to one party solely or to a relative or agency specified

1 under s. 767.24 (3). The court or family circuit court commissioner may order joint
2 legal custody without the agreement of the other party and without the findings
3 required under s. 767.24 (2) (b) 2. This order may not have a binding effect on a final
4 custody determination.

5 **SECTION 179.** 767.23 (1) (am) of the statutes is amended to read:

6 767.23 (1) (am). Upon the request of a party, granting periods of physical
7 placement to a party. The court or family circuit court commissioner shall make a
8 determination under this paragraph within 30 days after the request for a temporary
9 order regarding periods of physical placement is filed.

10 **SECTION 180.** 767.23 (1m) of the statutes is amended to read:

11 767.23 (1m) If a family circuit court commissioner believes that a temporary
12 restraining order or injunction under s. 813.12 is appropriate in an action, the circuit
13 court commissioner shall inform the parties of their right to seek the order or
14 injunction and the procedure to follow. On a motion for such a restraining order or
15 injunction, the family circuit court commissioner shall submit the motion to the court
16 within 5 working days.

17 **SECTION 181.** 767.23 (1n) of the statutes is amended to read:

18 767.23 (1n) Before making any temporary order under sub. (1), the court or
19 family circuit court commissioner shall consider those factors which the court is
20 required by this chapter to consider before entering a final judgment on the same ✓
21 subject matter. If the court or family circuit court commissioner makes a temporary
22 child support order that deviates from the amount of support that would be required
23 by using the percentage standard established by the department under s. 49.22 (9),
24 the court or family circuit court commissioner shall comply with the requirements ✓
25 of s. 767.25 (In). A temporary order under sub. (1) may be based upon the written

(1) stipulation of the parties, subject to the approval of the court or ~~the family~~ [↓] family circuit ✓
 (2) court commissioner. Temporary orders made by ~~the family~~ [↓] a circuit court ✓
 commissioner may be reviewed by the court as ~~provided in s. 767.13 (6)~~.

SECTION 182. 767.25 (4m) (f) 2. of the statutes is amended to read:

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

SECTION 183. 767.265 (1) of the statutes, as affected by 1997 Wisconsin Act 191, section 411, is amended to read:

767.265 (1) Each order for child support under this chapter, for maintenance payments under s. 767.23 or 767.26, for family support under this chapter, for costs ordered under s. 767.51 (3) or 767.62 (4) (a), for support by a spouse under s. 767.02 (1) (f) or for maintenance payments under s. 767.02 (1) (g), each order for a revision in a judgment or order with respect to child support, maintenance or family support payments under s. 767.32, each stipulation approved by the court or ~~the family~~ [↓] a circuit court commissioner for child support under this chapter and each order for child or spousal support entered under s. 948.22 (7) constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102 or

1 108, lottery prizes that are payable in instalments and other money due or to be due
2 in the future to the department or its designee. The assignment shall be for an
3 amount sufficient to ensure payment under the order or stipulation and to pay any
4 arrearages due at a periodic rate not to exceed 50% of the amount of support due
5 under the order or stipulation so long as the addition of the amount toward
6 arrearages does not leave the party at an income below the poverty line established
7 under 42 USC 9902 (2).

8 **SECTION 184.** 767.265 (2h) of the statutes is amended to read:

9 767.265 (2h) If a court-ordered assignment does not require immediately
10 effective withholding and a payer fails to make a required maintenance, child
11 support, spousal support or family support payment within 10 days after its due
1 2 date, within 20 days after the payment's due date the court or ~~family circuit~~ court
13 commissioner shall cause the assignment to go into effect by providing notice of the
14 assignment in the manner provided under sub. (2r) and shall send a notice by regular
15 mail to the last-known address of the payer. The notice sent to the payer shall inform
16 the payer that an assignment is in effect and that the payer may, within a 10-day
17 period, by motion request a hearing on the issue of whether the assignment should
18 remain in effect. The court or ~~family circuit~~ court commissioner shall hold a hearing
19 requested under this subsection within 10 working days after the date of the request.
20 If at the hearing the payer establishes that the assignment is not proper because of
21 a mistake of fact, the court or ~~family circuit~~ court commissioner may direct that the
22 assignment be withdrawn. Either party may, within 15 working days after the date
23 of a decision by a ~~family circuit~~ court commissioner under this subsection, seek
24 review of the decision by the court with jurisdiction over the action.