

1 **SECTION 185.** 767.265 (2r) of the statutes, as affected by 1997 Wisconsin Act
2 191, section 414, is amended to read:

3 767.265 (2r) Upon entry of each order for child support, maintenance, family
4 support or support by a spouse and upon approval of each stipulation for child
5 support, unless the court finds that income withholding is likely to cause the payer
6 irreparable harm or unless s. 767.267 applies, the court, ~~family circuit~~ court
7 commissioner or county child support agency under s. 59.53 (5) shall provide notice
8 of the assignment by regular mail or by facsimile machine, as defined in s. 134.72 (1)
9 (a), or other electronic means to the last-known address of the person from whom the
10 payer receives or will receive money. The notice shall provide that the amount
11 withheld may not exceed the maximum amount that is subject to garnishment under
12 15 USC 1673 (b) (2). If the department or its designee, whichever is appropriate, does
13 not receive the money from the person notified, the court, ~~family circuit~~ court
14 commissioner or county child support agency under s. 59.53 (5) shall provide notice
15 of the assignment to any other person from whom the payer receives or will receive
16 money. Notice under this subsection may be a notice of the court, a copy of the
17 executed assignment or a copy of that part of the court order directing payment.

18 **SECTION 186.** 767.267 (1) of the statutes, as affected by 1997 Wisconsin Act 27,
19 is amended to read:

20 767.267 (1) If the court or ~~the family circuit~~ [✓] court commissioner determines
21 that income withholding under s. 767.265 is inapplicable, ineffective or insufficient
22 to ensure payment under an order or stipulation specified in s. 767.265 (1), or that
23 income withholding under s. 767.25 (4m) (c) or 767.51 (3m) (c) is inapplicable,
24 ineffective or insufficient to ensure payment of a child's health care expenses,
25 including payment of health insurance premiums, ordered under s. 767.25 (4m) or

1 767.51 (3m), the court or ~~family circuit~~ court commissioner may require the payer to
2 identify or establish a deposit account, owned in whole or in part by the payer, that
3 allows for periodic transfers of funds and to file with the financial institution at
4 which the account is located an authorization for transfer from the account to the
5 department or its designee, whichever is appropriate. The authorization shall be
6 provided on a standard form approved by the court and shall specify the frequency
7 and the amount of transfer, sufficient to meet the payer's obligation under the order
8 or stipulation, as required by the court or ~~family circuit~~ court commissioner. The
9 authorization shall include the payer's consent for the financial institution or an
10 officer, employe or agent of the financial institution to disclose information to the
11 court, ~~family circuit~~ court commissioner, county child support agency under s. 59.53
12 (5), department or department's designee regarding the account for which the payer
13 has executed the authorization for transfer.

14 **SECTION 187.** 767.267 (5) of the statutes, as affected by 1997 Wisconsin Act 27,
15 is amended to read:

16 767.267 (5) A financial institution or an officer, employe or agent of a financial
17 institution may disclose information to the court, ~~family circuit~~ court commissioner,
18 county child support agency under s. 59.53 (5), department or department's designee
19 concerning an account for which a payer has executed an authorization for transfer
20 under sub. (1).

21 **SECTION 188.** 767.27 (2) of the statutes is amended to read:

22 767.27 (2) Except as provided in sub. (2m), disclosure forms required under this
23 section shall be filed within 90 days after the service of summons or the filing of a
24 joint petition or at such other time as ordered by the court or ~~family circuit~~ court

1 commissioner. Information contained on such forms shall be updated on the record
2 to the date of hearing.

3 SECTION 189. 767.29 (title) of the statutes is amended to read:

4 767.29 (title) **Maintenance, child support and family support payments,**
5 **receipt and disbursement; family circuit court commissioner, fees and**
6 **compensation.**

7 SECTION 190. 767.29 (1) (c) of the statutes, as affected by 1997 Wisconsin Act
8 27, is amended to read:

9 767.29 (1) (c) Except as provided in sub. (1m), the department or its designee
10 shall disburse the money received under the judgment or order in the manner
11 required by federal regulations and take receipts therefor, unless the department or
12 its designee is unable to disburse the moneys because they were paid by check or
13 other draft drawn upon an account containing insufficient funds. All moneys
14 received or disbursed under this section shall be entered in a record kept by the
15 department or its designee, whichever is appropriate, which shall be open to
16 inspection by the parties to the action, their attorneys and the family circuit court
17 commissioner.

18 SECTION 191. 767.29 (1) (d) (intro.) of the statutes, as created by 1997 Wisconsin
19 Act 27, is amended to read:

20 767.29 (1) (d) (intro.) For receiving and disbursing maintenance, child support
21 or family support payments, and for maintaining the records required under par. (c),
22 the department or its designee shall collect an annual fee of \$25 to be paid by each
23 party ordered to make payments. The court or family circuit court commissioner
24 shall order each party ordered to make payments to pay the annual fee under this
25 paragraph at the time of, and in addition to, the first payment to the department or

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

9 **SECTION 192.** 767.29 (1) (d) 2. of the statutes, as created by 1997 Wisconsin Act
 10 27, is amended to read:

11 11 767.29 (1) (d) 2. Apply to the court or * a- circuit court commissioner for an
 12 assignment relating to the annual fee in accordance with s. 767.265.

13 **SECTION 193.** 767.29 (1) (e) of the statutes, as affected by 1997 Wisconsin Act
 14 27, is amended to read:

15 767.29 (1) (e) If the maintenance, child support or family support payments
 16 adjudged or ordered to be paid are not paid to the department or its designee at the
 17 time provided in the judgment or order, the county child support agency under s.

18 59.53 (5) or ~~the circuit~~^a court commissioner of the county shall take such
 19 proceedings as he or she considers advisable to secure the payment of the sum
 20 including enforcement by contempt proceedings under ch. 785 or by other means.

21 Copies of any order issued to compel the payment shall be mailed to counsel who
 22 represented each party when the maintenance, child support or family support
 23 payments were awarded. In case any fees of officers in any of the proceedings,
24 including the compensation of the ~~family~~ circuit court commissioner at the rate of \$50
 25 per day unless the commissioner is on a salaried basis, is not collected from the

Note -
 is
 lit
 v
 lit

1 person proceeded against, the fees shall be paid out of the county treasury upon the
2 order of the presiding judge and the certificate of the department.

3 **SECTION 194.** 767.29 (lm) (b) of the statutes is amended to read:

4 767.29 (1m) (b) The court or ~~the family circuit~~ [↓] family [✓] circuit court commissioner has ordered
5 that overpayments of child support, family support or maintenance that do not
6 exceed the amount of support or maintenance due in the next month may be held for
7 disbursement in the next month.

8 **SECTION 195.** 767.29 (3) (a) of the statutes is amended to read:

9 767.29 (3) (a) If maintenance payments or support money, or both, is ordered
10 to be paid for the benefit of any person, who is committed by court order to an
11 institution or is in confinement, or whose legal custody is vested by court order under
12 ch. 48 or 938 in an agency, department or relative, the court or ~~family circuit~~ ^a family [✓] circuit court
13 commissioner may order such maintenance payments or support money to be paid
14 to the relative or agency, institution, welfare department or other entity having the
15 legal or actual custody of said person, and to be used for the latter's care and
16 maintenance, without the appointment of a guardian under ch. 880.

17 **SECTION 196.** 767.29 (3) (b) of the statutes is amended to read:

18 767.29 (3) (b) If a child who is the beneficiary of support under a judgment or
19 order is placed by court order in a child caring institution, juvenile correctional
20 institution or state mental institution, the right of the child to support during the
21 period of the child's confinement, including any right to unpaid support accruing
22 during that period, is assigned to the state. If the judgment or order providing for
23 the support of a child who is placed in a child caring institution, juvenile correctional
24 institution or state mental institution includes support for one or more other
25 children, the support that is assigned to the state shall be the proportionate share

1 of the child placed in the institution, except as otherwise ordered by the court or
2 ~~family circuit~~ court commissioner on the motion of a party.

3 **SECTION 197. 767.293 (1)** of the statutes is amended to read:

4 767.293 (1) If an order for child support under this chapter or s. 948.22 (7), an

5 order for family support under this chapter or a stipulation approved by the court or

6 ~~the family circuit~~ court commissioner for child support under this chapter requires

7 a payer to pay child or family support in an amount that is expressed as a percentage

8 of parental income, the payee, including the state or a county child support agency

9 under s. 59.53 (5) if the state is a real party in interest under s. 767.075 (1), may

10 establish an arrearage by filing an affidavit in the action in which the order for the

11 payment of support was entered or the stipulation for support was approved. The

12 affidavit shall state the amount of the arrearage and the facts supporting a

13 reasonable basis on which the arrearage was determined and may state the payer's

14 current income and the facts supporting a reasonable basis on which the payer's

15 current income was determined. Not later than 60 days after filing the affidavit, the

16 payee shall serve the affidavit on the payer in the manner provided in s. 801.11 (1)

17 (a) or(b) or by sending the affidavit by registered or certified mail to the last-known

18 address of the payer. After the payee files a proof of service on the payer, the court

19 shall send a notice to the payer by regular, registered or certified mail to the payer's

20 last-known address, The notice shall provide that, unless the payer requests a

21 hearing to dispute the arrearage or the amount of the arrearage not later than 20

22 days after the date of the notice, the court or ~~family circuit~~ court commissioner may

23 enter an order against the payer in the amount stated in the affidavit and may

24 provide notice of assignment under s. 767.265. The notice shall include the mailing

1 address to which the request for hearing must be mailed or delivered in order to
2 schedule a hearing under sub. (2).

3 **SECTION 198.** 767.293 (2) of the statutes is amended to read:

4 767.293 (2) If the payer makes a timely request for a hearing, the court or
5 family circuit court commissioner shall hold a hearing on the issue of the amount of
6 the arrearage, if any. If the court or family circuit court commissioner determines
7 after hearing that an arrearage exists, the court or family circuit court commissioner
8 shall enter an order establishing an arrearage in the amount determined by the court
9 or family circuit court commissioner and may send notice of assignment' under s.
10 767.265.

11 **SECTION 199.** 767.293 (3) of the statutes is amended to read:

12 767.293 (3) If the court or family circuit court commissioner sends the notice
13 under sub. (1) and the payer fails to make a timely request for a hearing; the court
14 or family circuit court commissioner, if the affidavit demonstrates to the satisfaction
15 of the court or family circuit court commissioner that an arrearage exists, shall enter
16 an order establishing an arrearage in the amount determined by the court or family
17 circuit court commissioner and may send notice of assignment under s. 767.265. e
18 court or family circuit court commissioner shall send the order to the payer's
19 last-known address and shall inform the payer whether an assignment is in effect
20 and that the payer may, within a 10-day period, by motion request a hearing on the
21 issue of whether the order should be vacated or the assignment should be withdrawn.

22 **SECTION 200.** 767.32 (1) (a) of the statutes is amended to read:

23 767.32 (1) (a) After a judgment or order providing for child support under this
24 chapter or s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4.,
25 938.357 (5m), 938.363 (2) or 948.22 (7), maintenance payments under s. 767.26 or

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

24 **SECTION 201.** 767.327 (2) (c) of the statutes is amended to read:

1 767.327 (2) (c) Upon receipt of a copy of a notice of objection under par. (a), the
2 court or ~~family circuit~~ court commissioner shall promptly refer the parents for
3 mediation or other family court counseling services under s. 767.11 and may appoint
4 a guardian ad litem. Unless the parents agree to extend the time period, if mediation
5 or counseling services do not resolve the dispute within 30 days after referral, the
6 matter shall proceed under subs. (3) to (5).

7 **SECTION 202.** 767.33 (2) of the statutes is amended to read:

8 767.33 (2) An adjustment under sub. (1) may be made only if the party receiving
9 payments applies to ^athe ~~family circuit~~ court commissioner for the adjustment. If the
10 order specifies the date on which the annual adjustment becomes effective, the
11 application to the ~~family circuit~~ court commissioner must be made at least 20 days
12 before the effective date of the adjustment. The ~~family circuit~~ court commissioner,
13 upon application by the party receiving payments, shall send a notice by certified
14 mail to the last-known address of the obligor. The notice shall be postmarked no
15 later than 10 days after the date on which the application was filed and shall inform
16 the obligor that an adjustment in payments will become effective on the date
17 specified in the order or, if no date is specified in the order, 10 days after the date on
18 which the notice is sent. The obligor may, after receipt of notice and before the
19 effective date of the adjustment, request a hearing on the issue of whether the
20 adjustment should take effect, in which case the adjustment shall be held in
21 abeyance pending the outcome of the hearing. The ~~family circuit~~ court commissioner
22 shall hold a hearing requested under this subsection within 10 working days after
23 the request. If at the hearing the obligor establishes that extraordinary
24 circumstances beyond his or her control prevent fulfillment of the adjusted child
25 support obligation, the ~~family circuit~~ court commissioner may direct that all or part

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

8 **SECTION 203. 767.37 (1) (a)** of the statutes is amended to read:

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

1 judgment shall be submitted to the court. Final stipulations of the parties may be
2 appended to the judgment and incorporated by reference therein.

3 **SECTION 204. 767.37 (2)** of the statutes is amended to read:

4 767.37 (2) So far as a judgment of divorce affects the marital status of the
5 parties the court has the power to vacate or modify the judgment for sufficient cause
6 shown, upon its own motion, or upon the application of both parties to the action, at
7 any time within 6 months from the granting of such judgment. No such judgment
8 shall be vacated or modified without service of notice of motion on the office of family
9 court commissioner. The ^A court may direct ~~the family/circuit~~ court commissioner or
10 appoint some other attorney, to bring appropriate proceedings for the vacation of the
11 judgment. The compensation of the family circuit court commissioner when not on
12 a salaried basis or other attorney for performing such services shall be at the rate of
13 \$50 per day, which shall be paid out of the county treasury upon order of the presiding
14 judge and the certificate of the clerk of the court. If the judgment is vacated it shall
15 restore the parties to the marital relation that existed before the granting of such
16 judgment. If after vacation of the judgment either of the parties brings an action in
17 this state for divorce against the other the court may order the petitioner in such
18 action to reimburse the county the amount paid by it to the family circuit court
19 commissioner or other attorney in connection with such vacation proceedings.
20 Whenever a judgment of divorce is set aside under this subsection, the court shall
21 order the record in the action impounded without regard to s. 767.19; and thereafter
22 neither the record nor any part of the record shall be offered or admitted into evidence
23 in any action or proceeding except by special order of the court of jurisdiction upon
24 good cause shown in any paternity proceedings under this chapter or by special order
25 of any court of record upon a showing of necessity to clear title to real estate.

SUMMONS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

vs.
E. F.
Address (Case Classification Type): (Code No.)
City, State Zip Code
, Respondent



THE STATE OF WISCONSIN, To the Respondent:
You have been sued. claims that you are the father of the child, born on
.... (date), in (city) (county) (state). You must appear to answer this claim of
paternity. Your court appearance is:

Date:
Time:
Room:.....;
Judge or ~~Family~~ Circuit Court Commissioner:,,
Address:

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

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

10 **SECTION 207.** 767.458 (lm) of the statutes is amended to read:

11 767.458 **(lm)** In an action to establish the paternity of a child who was born
12 to a woman while she was married, where a man other than the woman's husband
13 alleges that he, not the husband, is the child's father, a party may allege that a
14 judicial determination that a man other than the husband is the father is not in the
15 best interest of the child. If the court or a circuit or supplemental court commissioner
16 under s. ~~757.69(3)~~ 757.675(2) (g) determines that a judicial determination of
17 whether a man other than the husband is the father is not in the best interest of the
18 child, no genetic tests may be ordered and the action shall be dismissed.

19 **SECTION 208.** 767.46 (1) of the statutes is amended to read:

20 767.46 **(1)** A pretrial hearing shall be held before the court or a circuit or
21 supplemental court commissioner under s. ~~757.69(3)~~ 757.675(2) (g). A record or
22 minutes of the proceeding shall be kept. At the pretrial hearing the parties may
23 present and cross-examine witnesses, request genetic tests and present other
24 evidence relevant to the determination of paternity.

25 **SECTION 209.** 767.463 of the statutes is amended to read:

1 **767.463 Dismissal if adjudication not in child's best interest.** Except as
2 provided in s. 767.458 (1m), at any time in an action to establish the paternity of a
3 child, upon the motion of a party or guardian ad litem, the court or circuit or
4 sunnlemental court commissioner under s. ~~757.69 (3)~~ 757.675 (2) (g) may, with
5 respect to a man, refuse to order genetic tests, if genetic tests have not yet been taken,
6 and dismiss the action if the court or circuit or sunplemental court commissioner
7 determines that a judicial determination of whether the man is the father of the child
8 is not in the best interest of the child.

9 **SECTION 210.** 767.465 (2) (a) of the statutes is amended to read:

10 767.465 (2) (a) Except as provided in sub. (2m), if a respondent is the alleged
11 father and fails to appear at the first appearance, unless the first appearance is not
j12 required under s. 767.457 (2), scheduled court-ordered genetic test, pretrial hearing
13 or trial, the court shall enter an order adjudicating the respondent to be the father
14 and appropriate orders for support, legal custody and physical placement. The
15 orders shall be either served on the respondent or mailed by regular, registered or
16 certified mail, to the last-known address of the respondent. The orders shall take
17 effect 30 days after service or 30 days after the date on which the orders were mailed
18 unless, within that time, the respondent presents to the court or a circuit or
19 sunnlemental court commissioner under s. ~~757.69 (3) (g)~~ 757.675 (2) (a) evidence of
20 good cause for failure to appear or failure to have undergone a court-ordered genetic
21 test.

22 **SECTION 211.** 767.51 (3m) (f) 2. of the statutes is amended to read:

23 767.51 (**3m**) (f) 2. The notice provided to the parent shall inform the parent that
24 coverage for the child under the new employer's health benefit plan will be in effect
25 upon the employer's receipt of the notice. The notice shall inform the parent that he

1 or she may, within 10 business days after receiving the notice, by motion request a
2 hearing before the court on the issue of whether the order to provide coverage of the
3 child's health care expenses should remain in effect. A motion under this subdivision
4 may be heard by a ~~family circuit~~ court commissioner. If the parent requests a hearing
5 and the court or ~~family circuit~~ court commissioner determines that the order to
6 provide coverage of the child's health care expenses should not remain in effect, the
7 court shall provide notice to the employer that the order is no longer in effect.

8 **SECTION 212.** 767.62 (2) (b) of the statutes is amended to read:

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

14 **SECTION 213.** 767.62 (3) (b) of the statutes is amended to read:

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

19 **SECTION 214.** 767.62 (4) (a) of the statutes is amended to read:

20 767.62 (4) (a) In an action under sub. (3) (a), if the persons who signed and filed
21 the statement acknowledging paternity as parents of the child had notice of the
22 hearing, the court or ~~family~~^a/~~circuit~~ court commissioner may make an order that
23 contains any provision directed against the appropriate party to the proceeding
24 concerning the duty of support, the legal custody or guardianship of the child, periods
25 of physical placement, the furnishing of bond or other security for the payment of

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

11 **SECTION 215.** 767.62 (4) (b) 2. of the statutes is amended to read:

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

1 orders containing provisions for payment of medical expenses, medical costs, or
2 insurance premiums that are in addition to and not inconsistent with this
3 paragraph.

4 **SECTION 216.** 767.62 (4) (b) 3. a. of the statutes, as affected by 1997 Wisconsin
5 Act 191, section 489, is amended to read:

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

20 **SECTION 217.** 767.62 (4) (b) 3. b. of the statutes is amended to read:

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

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

8 **SECTION 218.** 767.62 (4) (b) 4. (intro.) of the statutes is amended to read:

9 767.62 (4) (b) 4. (intro.) If the court or ~~family~~ circuit court commissioner orders
10 a parent to provide coverage of the health care /expenses of the parent's child and the
11 parent is eligible for family coverage of health care expenses under a health benefit
12 plan that is provided by an employer on an insured or on a self-insured basis, the
13 employer shall do all of the following:

14 **SECTION 219.** 767.62 (4) (b) 4. c. of the statutes is amended to read:

15 767.62 (4) (b) 4. c. After the child has coverage under the employer's health
16 benefit plan, and as long as the parent is eligible for family coverage under the
17 employer's health benefit plan, continue to provide coverage for the child unless the
18 employer receives satisfactory written evidence that the order of the court or ~~family~~
19 circuit court commissioner is no longer in effect or that the child has coverage of
20 health care expenses under another health insurance policy or health benefit plan
21 that provides comparable coverage of health care expenses.

22 **SECTION 220.** 767.6; (4) (b) 5. a. of the statutes is amended to read:

23 767.62 (4) (b) 5. a. If a parent who has been ordered by a court or family circuit
24 court commissioner to provide coverage of the health care expenses of a child who is
25 eligible for medical assistance under subch. IV of ch. 49 receives payment from a 3rd

1 party for the cost of services provided to the child but does not pay the health care
2 provider for the services or reimburse the department or any other person who paid
3 for the services on behalf of the child, the department may obtain a judgment against
4 the parent for the amount of the 3rd party payment.

5 **SECTION 221.** 767.62 (4) (b) 6. b. of the statutes is amended to read:

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

17 **SECTION 222.** 767.62 (4) (d) 1. of the statutes is amended to read:

18 767.62 (4) (d) 1. Except as provided in par. (e), the court or ~~family circuit court~~
19 commissioner shall determine child support payments under par. (a) by using the
20 percentage standard established by the department under s. 49.22 (9).

21 **SECTION 223.** 767.62 (4) (d) 2. of the statutes is amended to read:

22 767.62 (4) (d) 2. In determining child support payments under par. (a), the
23 / court or ~~family circuit court~~ commissioner may consider all relevant financial
24 information or other information relevant to the parent's earning capacity, including

1 information reported under s. 49.22 (2m) to the department or the county child
2 support agency under s. 59.53 (5).

3 **SECTION 224.** 767.62 (4) (e) (intro.) of the statutes is amended to read:

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

9 **SECTION 225.** 767.62 (4) (e) 14. of the statutes is amended to read:

10 767.62 (4) (e) 14. Any other factors that the court or ~~family circuit~~ court
11 commissioner in each case determines are relevant to the best interests of the child.

12 **SECTION 226.** 767.62 (4) (f) of the statutes is amended to read:

13 767.62 (4) (f) If the court or ~~family circuit~~ court commissioner finds under par.
14 (e) that use of the percentage standard is unfair to the child or the requesting party,
15 the court or ~~family circuit~~ court commissioner shall state in writing or on the record
16 the amount of support that would be required by using the percentage standard, the
17 amount by which the court's or ~~family circuit~~ court commissioner's order deviates
18 from that amount, the reasons for finding that use of the percentage standard is
19 unfair to the child or the party, the reasons for the amount of the modification and
20 the basis for the modification.

21 **SECTION 227.** 769.102 of the statutes is amended to read:

22 **769.102 Tribunal of this state.** The courts and ~~circuit and supplemental~~
23 court commissioners are the tribunal of this state.

24 **SECTION 228.** 769.302 of the statutes is amended to read:

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

10 **SECTION 229.** 782.01 (3) of the statutes is amended to read:

11 **782.01 (3)** In this chapter, unless the context requires otherwise, judge includes
12 the supreme court, the court of appeals and circuit courts and each justice and judge
13 thereof and ~~circuit~~ ^{and supplemental} court commissioners; and prisoner includes every person
14 restrained of personal liberty; and imprisoned includes every such restraint, and
15 respondent means the person on whom the writ is to be served.

16 **SECTION 230.** 782.03 of the statutes is amended to read:

17 **782.03 Petition for writ.** Application for the writ shall be by petition, signed
18 either by the prisoner or by some person in his or her behalf, and may be made to the
19 supreme court, the court of appeals or the circuit court of the county, or to any justice
20 or judge of the supreme court, court of appeals or circuit court or to any ~~circuit~~ ^{or supplemental} court
21 commissioner, within the county where the prisoner is detained; or if there is no
22 judge within the county, or for any cause he or she is incapable of acting, or has
23 refused to grant the writ, then to some judge residing in an adjoining county; but
24 every application, made by or on behalf of a person sentenced to the state prisons,
25 must contain a copy of any motion made under s. 974.06 and shall indicate the

1 disposition of the motion and the court in which the disposition was made. If no
2 motion was made, the petition shall so state.

3 **SECTION 231.** 782.28 of the statutes is amended to read:

4 782.28 (title) **Transfer from circuit court commissioner.** If the writ is
5 returnable before a circuit court commissioner, either party may make a request for
6 transfer to the court in which the matter is filed. Upon receipt of such request the
7 circuit court commissioner shall forthwith transmit all papers and records in the
8 proceedings to the court.

9 **SECTION 232.** 799.03 of the statutes is amended to read:

10 **799.03 Definition.** In this chapter unless otherwise designated, “court”
11 means circuit court and “court” does not mean circuit court commissioner.

12 **SECTION 233.** 799.05 (7) (intro.) of the statutes is amended to read:

13 799.05 (7) (title) FORM; CIRCUIT COURT COMMISSIONER. (intro.) Except as provided
14 i n s . 7 9 9 . 2 2 (4) (b) 3., i n c o u n t i e s n c f
15 ~~commissioner position under s. 757.68 (1)(b)~~ in which a circuit court commissioner
16 is assigned to assist in small claims matters, the summons shall be substantially in
17 the following form:

18 **SECTION 234.** 799.06 (1) of the statutes is amended to read:

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

22 **SECTION 235.** 799.11 (3) of the statutes is amended to read:

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

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

5 **SECTION 236.** 799.20 (4) of the statutes is amended to read:

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

14 ~~**SECTION 237.** 799.206 of the statutes is repealed.~~

15 **SECTION 238.** 799.207 (title) of the statutes is amended to read:

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

17 **SECTION 239.** 799.207 (1) (a) of the statutes is amended to read:

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

21 **SECTION 240.** 799.207 (1) (b) of the statutes is amended to read:

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

insert
89-14

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

3 **SECTION 241.** 799.207 (1) (e) of the statutes is amended to read:

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

7 **SECTION 242.** 799.207 (2) (intro.) of the statutes is amended to read:

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

11 **SECTION 243.** 799.207 (3) (b) of the statutes is amended to read:/

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

15 **SECTION 244.** 799.209 (1) to (4) of the statutes are amended to read:

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

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

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

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

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

10 **SECTION 245.** 799.21 (3) (b) of the statutes is amended to read:

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

22 **SECTION 246.** 799.21 (4) of the statutes is amended to read:

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

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

5 **SECTION 247.** 799.24 (1) of the statutes is amended to read:

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

14 **SECTION 248.** 799.24 (3) of the statutes is amended to read:

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

21 **SECTION 249.** 799.26 (1) of the statutes is amended to read:

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

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

8 **SECTION 250.** 803.01 (3) (b) 1. of the statutes is amended to read:

9 803.01 (3) (b) 1. The guardian ad litem shall be appointed by a circuit court of
10 the county where the action is to be commenced or is pending, except that the
11 guardian ad litem shall be appointed by a family circuit court commissioner of the
✓12 county in actions to establish paternity that are before the family circuit court
13 commissioner.

14 **SECTION 251.** 807.02 of the statutes is amended to read:

15 **807.02 Motions, where heard; stay of proceedings.** Except as provided in
16 s. 807.13 or when the parties stipulate otherwise and the court approves, motions in
17 actions or proceedings in the circuit court must be heard within the circuit where the
18 action is triable. Orders out of court, not requiring notice, may be made by the
19 presiding judge of the court in any part of the state. No order to stay proceedings
20 after a verdict, report or finding in any circuit court may be made by a circuit or
21 sunnlemental court commissioner. No stay of proceedings for more than 20 days may
22 be granted except upon previous notice to the adverse party.

23 **SECTION 252.** 807.04 (1) of the statutes, as affected by 1997 Wisconsin Act 133,
24 is amended to read:

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

6 **SECTION 253.** 807.09 (1) of the statutes is amended to read:

7 807.09 (1) A circuit judge of the circuit court of any county may appoint and
8 remove at any time, any retired or former circuit or county court judge to act, in
9 matters referred by the judge and in conciliation matters. When a matter for
10 conciliation is referred for such purpose, the conciliator shall have full authority to
11 hear, determine and report findings to the court. Such conciliators may be appointed
12 circuit court commissioners as provided in s. 757.68 under SCR 75.02 C).

13 **SECTION 254.** 812.30 (2) of the statutes is amended to read:

14 812.30 (2) "Court" includes a circuit court commissioner assigned to preside at
15 a proceeding under this subchapter.

16 **SECTION 255.** 813.025 (1) of the statutes is amended to read:

17 813.025 (1) No circuit or sunnlemental court commissioner shall may issue any
18 injunction or order suspending or restraining the enforcement or execution of any
19 statute of the state or of any order of an administrative officer, board, department,
20 commission or other state agency purporting to be made pursuant to the statutes of
21 the state. If so issued ~~such, the~~ injunction or order shall be void.

22 **SECTION 256.** 813.12 (2) (a) of the statutes is amended to read:

23 813.12 (2) (a) No action under this section may be commenced by complaint and
24 summons. An action under this section may be commenced only by a petition
25 described under sub. (5) (a). The action commences with service of the petition upon

1 the respondent if a copy of the petition is filed before service or promptly after service.
2 (2) If the judge or ~~family~~^a circuit court commissioner extends the time for a hearing under
3 sub. (3) (c) and the petitioner files an affidavit with the court stating that personal
4 service by the sheriff or a private server under s. 801.11 (1) (a) or (b) was unsuccessful
5 because the respondent is avoiding service by concealment or otherwise, the
6 petitioner may serve the respondent by publication of the petition as a class 1 notice,
7 under ch. 985, and by mailing if the respondent's post-office address is known or can
8 with due diligence be ascertained. The mailing may be omitted if the post-office
9 address cannot be ascertained with due diligence.

10 **SECTION 257.** 813.12 (2) (b) of the statutes is amended to read:

11 813.12 (2) (b) A petition may be filed in conjunction with an action affecting the
12 family commenced under ch. 767, but commencement of an action; affecting the
13 family or any other action is not necessary for the filing of a petition or the issuance
14 of a temporary restraining order or an injunction. A judge or ~~family~~ circuit court
15 commissioner may not make findings or issue orders under s. 767.23 or 767.24 while
16 granting relief requested only under this section. Section 813.06 does not apply to
17 an action under this section. The respondent may respond to the petition either in
18 writing before or at the hearing on the issuance of the injunction or orally at that
19 hearing.

20 **SECTION 258.** 813.12 (3) (a) of the statutes is amended to read:

21 813.12 (3) (a) A judge or ~~family~~ circuit court commissioner shall issue a
22 temporary restraining order ordering the respondent to refrain from committing acts
23 of domestic abuse against the petitioner, to avoid the petitioner's residence, except
24 as provided in par. (am), or any premises temporarily occupied by the petitioner or
25 both, or to avoid contacting or causing any person other than a party's attorney to

1 contact the petitioner unless the petitioner consents in writing, or any combination
2 of these remedies requested in the petition, if all of the following occur:

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

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

14 **SECTION 259.** 813.12 (3) (am) of the statutes is amended to read:

15 813.12 (3) (am) If the petitioner and the respondent are not married, the
16 respondent owns the premises where the petitioner resides and the petitioner has
17 no legal interest in the premises, in lieu of ordering the respondent to avoid the
18 petitioner's residence under par. (a) the judge or ~~family circuit~~ court commissioner
19 may order the respondent to avoid the premises for a reasonable time until the
20 petitioner relocates and shall order the respondent to avoid the new residence for the
21 duration of the order.

22 **SECTION 260.** 813.12 (3) (c) of the statutes is amended to read:

23 813.12 (3) (c) The temporary restraining order is in effect until a hearing is held
24 on issuance of an injunction under sub. (4). The temporary restraining order is not
25 voided if the respondent is admitted into a dwelling that the order directs him or her

1 to avoid. A judge or ~~family~~ circuit court commissioner shall hold a hearing on
2 issuance of an injunction within 7 days after the temporary restraining order is
3 issued, unless the time is extended upon the written consent of the parties or
4 extended once for 14 days upon a finding that the respondent has not been served
5 with a copy of the temporary restraining order although the petitioner has exercised
6 due diligence.

7 **SECTION 261.** 813.12 (3) (d) of the statutes is amended to read:

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

13 **SECTION 262.** 813.12 (4) (a) (intro.) of the statutes is amended to read:

14 813.12 (4) (a) (intro.) A judge or ~~family~~ circuit court commissioner may grant
15 an injunction ordering the respondent to refrain from committing acts of domestic
16 abuse against the petitioner, to avoid the petitioner's residence, except as provided
17 in par. (am), or any premises temporarily occupied by the petitioner or both, or to
18 avoid contacting or causing any person other than a party's attorney to contact the
19 petitioner unless the petitioner consents to that contact in writing, or any
20 combination of these remedies requested in the petition, if all of the following occur:

21 **SECTION 263.** 813.12 (4) (a) 3. of the statutes is amended to read:

22 813.12 (4) (a) 3. After hearing, the judge or ~~family~~ circuit court commissioner
23 finds reasonable grounds to believe that the respondent has engaged in, or based
24 upon prior conduct of the petitioner and the respondent may engage in, domestic
25 abuse of the petitioner. In determining whether to issue an injunction, the judge or

1 ~~family circuit~~ court commissioner shall consider the potential danger posed to the
2 petitioner and the pattern of abusive conduct of the respondent but may not base his
3 or her decision solely on the length of time since the last domestic abuse or the length
4 of time since the relationship ended. The judge or ~~family circuit~~ court commissioner
5 may grant only the remedies requested by the petitioner.

6 **SECTION 264.** 813.12 (4) (am) of the statutes is amended to read:

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

14 **SECTION 265.** 813.12 (4) (b) of the statutes is amended to read:

15 813.12 (4) (b) The judge or ~~family circuit~~ court commissioner may enter an
16 injunction only against the respondent named in the petition. No injunction may be
17 issued under this subsection under the same case number against the person
18 petitioning for the injunction. The judge or ~~family circuit~~ court commissioner may
19 not modify an order restraining the respondent based solely on the request of the
20 respondent.

21 **SECTION 266.** 813.12 (4m) (a) 2. of the statutes is amended to read:

22 813.12 (4m) (a) 2. Except as provided in par. (ag), require the respondent to
23 surrender any firearms that he or she owns or has in his or her possession to the
24 sheriff of the county in which the action under this section was commenced, to the
25 sheriff of the county in which the respondent resides or to another person designated

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

9 **SECTION 267.** 813.12 (4m) (b) (intro.) of the statutes is amended to read:

10 813.12 (4m) (b) (intro.) A firearm surrendered under par. (a) 2. may not be
11 returned to the respondent until a judge or ~~family circuit~~ court commissioner
12 determines all of the following:

13 **SECTION 268.** 813.12 (4m) (b) 2. of the statutes is amended to read:

14 813.12 (4m) (b) 2. That the person is not prohibited from possessing a firearm
15 under any state or federal law or by the order of any federal court or state court, other
16 than an order from which the judge or ~~family circuit~~ court commissioner is competent
17 to grant relief.

18 **SECTION 269.** 813.12 (5) (c) of the statutes is amended to read:

19 813.12 (5) (c) A judge or ~~family circuit~~ court commissioner shall accept any
20 legible petition for a temporary restraining order or injunction.

21 **SECTION 270.** 813.12 (6) (a) of the statutes is amended to read:

22 813.12 (6) (a) If an order is issued under this section, upon request by the
23 petitioner the court or ~~family circuit~~ court commissioner shall order the sheriff to
24 accompany the petitioner and assist in placing him or her in physical possession of
25 his or her residence or to otherwise assist in executing or serving the temporary

1 restraining order or injunction. The petitioner may, at the petitioner's expense, use
2 a private process server to serve papers on the respondent.

3 **SECTION 271.** 813.12 (7m) of the statutes is amended to read:

4 813.12 (7m) ~~TRANSCRIPTS.~~ The judge or ~~family~~ circuit court commissioner shall
5 record the temporary restraining order or injunction hearing upon the request of the
6 petitioner.

7 **SECTION 272.** 813.122 (3) (a) of the statutes is amended to read:

8 813.122 (3) (a) Procedure for an action under this section is in 2 parts. First,
9 if the petitioner requests a temporary restraining order, the court or circuit court
10 commissioner shall issue or refuse to issue that order. Second, the court shall hold
11 a hearing under sub. (5) on whether to issue an injunction, which is the final relief.
12 If the court or circuit court commissioner issues a temporary restraining order, the
13 order shall set forth the date for the hearing on an injunction. If the court or circuit
14 court commissioner does not issue a temporary restraining order, the date for the
15 hearing shall be set upon motion by either party.

16 **SECTION 273.** 813.122 (3) (b) (intro.) of the statutes is amended to read:

17 813.122 (3) (b) (intro.) The court or circuit court commissioner, on its or his or
18 her own motion or the motion of any party, may order one or more of the following:

19 **SECTION 274.** 813.122 (3) (bm) of the statutes is amended to read:

20 813.122 (3) (bm) The court or circuit court commissioner shall appoint a
21 guardian ad litem if the respondent is a parent of the child.

22 **SECTION 275.** 813.122 (4) (a) (intro.) of the statutes is amended to read:

23 813.122 (4) (a) (intro.) A judge or circuit court commissioner shall issue a
24 temporary restraining order ordering the respondent to avoid the child victim's
25 residence or any premises temporarily occupied by the child victim or both, and to

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

5 **SECTION 276.** 813.122 (4) (a) 1. of the statutes is amended to read:

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

8 **SECTION 277.** 813.122 (4) (a) 2. of the statutes is amended to read:

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

12 **SECTION 278.** 813.122 (5m) (a) 2. of the statutes is amended to read:

13 813.122 (5m) (a) 2. Except as provided in par. (ag), require the respondent to
14 surrender any firearms that he or she owns or has in his or her possession to the
15 sheriff of the county in which the action under this section was commenced, to the
16 sheriff of the county in which the respondent resides or to another person designated
17 by the respondent and approved by the judge or ~~circuit~~ court commissioner. e
18 judge or circuit court commissioner shall approve the person designated by the
19 respondent unless the judge or circuit court commissioner finds that the person is
20 inappropriate and places the reasons for the finding on the record. If a firearm is
21 surrendered to a person designated by the respondent and approved by the judge or
22 circuit court commissioner, the judge or circuit court commissioner shall inform the
23 person to whom the firearm is surrendered of the requirements and penalties under
24 s. 941.29 (4).

25 **SECTION 279.** 813.122 (5m) (b) (intro.) of the statutes is amended to read:

1 813.122 (5m) (b) (intro.) A firearm surrendered under par. (a) 2. may not be
2 returned to the respondent until a judge or circuit court commissioner determines
3 all of the following:

4 **SECTION 280.** 813.122 (5m) (b) 2. of the statutes is amended to read:

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

9 **SECTION 281.** 813.122 (9) (a) of the statutes is amended to read:

10 813.122 (9) (a) If an order is issued under this section, upon request by the
11 petitioner, the court or circuit court commissioner, as applicable, shall order the
12 sheriff to assist in executing or serving the temporary restraining order or
13 injunction.

14 **SECTION 282.** 813.123 (3) (a) of the statutes is amended to read:

15 813.123 (3) (a) Procedure for an action under this section is in 2 parts. First,
16 if the petitioner requests a temporary restraining order, the court or circuit court
17 commissioner shall issue or refuse to issue that order. Second, the court shall hold
18 a hearing under sub. (5) on whether to issue an injunction, which is the final relief.
19 If the court or circuit court commissioner issues a temporary restraining order, the
20 order shall set forth the date for the hearing on an injunction. If the court or circuit
21 court commissioner does not issue a temporary restraining order, the date for the
22 hearing shall be set upon motion by either party.

23 **SECTION 283.** 813.123 (3) (b) (intro.) of the statutes is amended to read:

24 813.123 (3) (b) (intro.) The court or circuit court commissioner, on its or his or
25 her own motion or the motion of any party, may order one or more of the following:

1 **SECTION 284.** 813.123 (4) (a) of the statutes is amended to read:

2 813.123 (4) (a) Unless the vulnerable adult, guardian or guardian ad litem
3 consents in writing and the judge or circuit court commissioner agrees that the
4 contact is in the best interests of the vulnerable adult, a judge or circuit court
5 commissioner shall issue a temporary restraining order ordering the respondent to
6 avoid interference with an investigation of the vulnerable adult under s. 55.043, the
7 delivery of protective services to the vulnerable adult under s. 55.05 or a protective
8 placement of the vulnerable adult under s. 55.06 if all of the following occur:

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

11 2. The judge or circuit court commissioner finds reasonable grounds to believe
12 that the respondent has interfered with, or based on prior conduct of the respondent
13 may interfere with, an investigation of the vulnerable adult under s. 55.043, the
14 delivery of protective services to the vulnerable adult under s. 55.05 or a protective
15 placement of the vulnerable adult under s. 55.06.

16 **SECTION 285.** 813.123 (8) (a) of the statutes is amended to read:

17 813.123 (8) (a) If an order is issued under this section, upon request by the
18 petitioner, the court or circuit court commissioner shall order the sheriff to assist in
19 executing or serving the temporary restraining order or injunction.

20 **SECTION 286.** 813.125 (3) (a) (intro.) of the statutes is amended to read:

21 813.125 (3) (a) (intro.) A judge or circuit court commissioner may issue a
22 temporary restraining order ordering the respondent to cease or avoid the
23 harassment of another person, if all of the following occur:

24 **SECTION 287.** 813.125 (3) (a) 2. of the statutes is amended to read:

1 813.125 (3) (a) 2. The judge or circuit court commissioner finds reasonable
2 grounds to believe that the respondent has violated s. 947.013.

3 **SECTION 288.** 813.125 (3) (c) of the statutes is amended to read:

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

11 **SECTION 289.** 813.125 (4) (a) (intro.) of the statutes is amended to read:

12 813.125 (4) (a) (intro.) A judge or circuit court commissioner may grant an
13 injunction ordering the respondent to cease or avoid the harassment of another
14 person, if all of the following occur:

15 **SECTION 290.** 813.125 (4) (a) 2. of the statutes is amended to read:

16 813.125 (4) (a) 2. The petitioner serves upon the respondent a copy of a
17 restraining order obtained under sub. (3) and notice of the time for the hearing on
18 the issuance of the injunction under sub. (3) (c). The restraining order or notice of
19 hearing served under this subdivision shall inform the respondent that, if the judge
20 or circuit court commissioner issues an injunction, the judge or circuit court
21 commissioner may also order the respondent not to possess a firearm while the
22 injunction is in effect.

23 **SECTION 291.** 813.125 (4) (a) 3. of the statutes is amended to read:

24 813.125 (4) (a) 3. After hearing, the judge or circuit court commissioner finds
25 reasonable grounds to believe that the respondent has violated s. 947.013.

1 **SECTION 292.** 813.125 (4m) (a) of the statutes is amended to read:

2 813.125 (4m) (a) If a judge or circuit court commissioner issues an injunction
3 under sub. (4) and the judge or circuit court commissioner determines, based on clear
4 and convincing evidence presented at the hearing on the issuance of the injunction,
5 that the respondent may use a firearm to cause physical harm to another or to
6 endanger public safety, the judge or circuit court commissioner may prohibit the
7 respondent from possessing a firearm.

8 **SECTION 293.** 813.125 (41n) (c) 2. of the statutes is amended to read:

9 813.125 (4m) (c) 2. Except as provided in par. (cg), require the respondent to
10 surrender any firearms that he/or she owns or has in his or her possession to the
11 sheriff of the county in which the action under this section was commenced, to the
12 sheriff of the county in which the respondent resides or to another person designated
13 by the respondent and approved by the judge or circuit court commissioner. The
14 judge or circuit court commissioner shall approve the person designated by the
15 respondent unless the judge or circuit court commissioner finds that the person is
16 inappropriate and places the reasons for the finding on the record. If a firearm is
17 surrendered to a person designated by the respondent and approved by the judge or
18 circuit court commissioner, the judge or circuit court commissioner shall inform the
19 person to whom the firearm is surrendered of the requirements and penalties under
20 s. 941.29 (4).

21 **SECTION 294.** 813.125 (4m) (d) (intro.) of the statutes is amended to read:

22 813.125 (4m) (d) (intro.) A firearm surrendered under par. (c) 2. may not be
23 returned to the respondent until a judge or circuit court commissioner determines
24 all of the following:

25 **SECTION 295.** 813.125 (4m) (d) 2. of the statutes is amended to read:

1 813.125 **(4m)** (d) 2. That the person is not prohibited from possessing a firearm
2 under any state or federal law or by the order of any federal court or state court, other
3 than an order from which the judge or circuit court commissioner is competent to
4 grant relief.

5 **SECTION 296.** 813.125 (5) (am) of the statutes is amended to read:

6 813.125 (5) (am) The petition shall inform the respondent that, if the judge or
7 circuit court commissioner issues an injunction, the judge or circuit court
8 commissioner may also order the respondent not to possess a firearm while the
9 injunction is in effect.

10 **SECTION 297.** 814.615 (3) of the statutes is amended to read:

11 814.615 (3) The court or ~~family~~^a/circuit court commissioner shall direct either
12 or both parties to pay any applicable fee under this section. If either or both parties
13 are unable to pay, the court shall grant a separate judgment for the amount of the
14 fees in favor of the county and against the party or parties responsible for the fees.

15 **SECTION 298.** 814.68 (title) of the statutes is amended to read:

16 814.68 (title) **Fees of supplemental court commissioners.**

17 **SECTION 299.** 814.68 (1) (intro.) of the statutes is amended to read:

18 814.68 **(1)** ~~PART-TIME SUPPLEMENTALCOURT COMMISSIONERS.~~ (intro.) A ~~part-time~~
19 supplemental court commissioner appointed under s. ~~757.68 (2)~~ 757.675 (1) shall
20 collect the following fees:

21 **SECTION 300.** 814.68 (1) (a) of the statutes is amended to read:

22 814.68 **(1)** (a) A fee of \$1 for each decision, signing or filing of a document or
23 other ministerial act required by law performed by a ~~part-time~~ supplemental court
24 commissioner. This paragraph does not apply to testimonial proceedings or
25 depositions taken before a supplemental court commissioner.

1 **SECTION 301.** 814.68 (1) (b) (intro.) of the statutes is amended to read:

2 814.68 (1) (b) (intro.) For the following duties performed by a ~~part-time~~
3 supplemental court commissioner held in the county courthouse or other court
4 facilities provided by law, reasonable compensation as fixed by the court but not more
5 than the hourly equivalent of the salary of a judge of the court:

6 **SECTION 302.** 814.68 (1) (b) 1. of the statutes is amended to read:

7 814.68 (1) (b) 1. Every attendance upon the hearing of any motion for an order
8 which a sunnlemental court commissioner is authorized to grant and for attendance
9 upon any motion or an offkial act to be done by the sunnlemental court commissioner.

10 **SECTION 303.** 814.68 (2). of the statutes is amended to read:

11 814.68 (2) **SUPPLEMENTARY EXAMINATIONS.** For attendance upon an examination
12 under ch. 816, a sunnlemental court commissioner shall collect a fee of \$15 to be paid
13 upon the issuance of the order under s. 816.03 (1). The fee shall be returned in any
14 case where it appears by affidavit filed that the order was not served upon the
15 judgment debtor. This fee is the only fee a sunnlemental court commissioner is
16 entitled to for proceedings under ch. 816.

17 **SECTION 304.** 816.03 (1) (b) of the statutes is amended to read:

18 816.03 (1) (b) A ~~circult or~~ sunnlemental court commissioner upon application
19 of a judgment creditor shall order any judgment debtor to appear before the court
20 commissioner and answer concerning the judgment debtor's property at a time and
21 place specified in the order, within said county, in lieu of the procedure set forth in
22 par. (a)..

23 **SECTION 305.** 816.035 (1) and (2) of the statutes are amended to read:

24 816.035 (1) An order under s. 816.03 (1) issued by a ~~circult or~~ sunnlemental
25 court commissioner shall be served in the same manner as the service of a summons

1 under s. 801.11. The return on the order shall be made to the commissioner who
2 issued the order. The commissioner shall file the order and the return with the clerk
3 of the court in which the judgment involved is entered.

4 (2) Upon issuance of the order, the ~~district~~ supplemental court commissioner
5 shall collect the fee prescribed in s. 814.68 (2) for attendance upon the examination.

6 **SECTION 306.** 818.02 (6) of the statutes is amended to read:

7 818.02 (6) In a proceeding to determine paternity or to establish or revise a
8 child support or maintenance obligation, if the court or ~~family~~ ^a circuit court
9 commissioner finds that the petitioner cannot effect service of process upon the
10 respondent despite due diligence on the part of the petitioner or after the respondent
11 is personally served but fails to appear on the return date, on the date set for the
12 pretrial hearing or on the date set for the trial.

13 **SECTION 307.** 879.61 of the statutes is amended to read:

14 879.61 **Discovery proceedings.** Any personal representative or any person
15 interested who suspects that any other person has concealed, stolen, conveyed or
16 disposed of property of the estate; or is indebted to the decedent; possesses, controls
17 or has knowledge of concealed property of the decedent; possesses, controls or has
18 knowledge of writings which contain evidence of or tend to disclose the right, title,
19 interest or claim of the decedent to any property; or possesses, controls or has
20 knowledge of any will of the decedent, may file a petition in the court so stating. The
21 court upon such notice as it directs, may order the other person to appear before the
22 court or a ~~district~~ supplemental court commissioner for disclosure, may subpoena
23 witnesses and compel the production of evidence and may make any order in relation
24 to the matter as is just and proper.

25 **SECTION 308.** 885.10 of the statutes is amended to read:

1 885.10 **Witness for indigent respondent or defendant.** Upon satisfactory
2 proof of the financial inability of the respondent or defendant to procure the
3 attendance of witnesses for his or her defense, the judge or ~~judge or~~ supplemental
4 court commissioner, in any paternity proceeding or criminal action or proceeding, or
5 in any other case in which the respondent or defendant is represented by the state
6 public defender or by assigned counsel under s. 977.08, to be tried or heard before him
7 or her, may direct the witnesses to be subpoenaed as he or she determines is proper
8 and necessary, upon the respondent's or defendant's oath or affidavit or that of the
9 respondent's or defendant's attorney. Witnesses so subpoenaed shall be paid their
10 fees in the manner that witnesses for the state therein are paid. Determination of
11 indigency, in full or in part, under s. 977.07 is proof of the respondent's or defendant's
12 financial inability to procure the attendance of witnesses for his or her defense.

13 **SECTION 309.** 885.12 of the statutes is amended to read:

14 **885.12 Coercing witnesses before officers and boards.** If any person,
15 without reasonable excuse, fails to attend as a witness, or to testify as lawfully
16 required before any arbitrator, coroner, medical examiner, board, commission,
17 commissioner, examiner, committee, or other officer or person authorized to take
18 testimony, or to produce a book or paper which the person was lawfully directed to
19 bring, or to subscribe the person's deposition when correctly reduced to writing, any
20 judge of a court of record or, a circuit or supplemental court commissioner in the
21 county where the person was obliged to attend may, upon sworn proof of the facts,
22 issue an attachment for the person, and unless the person shall purge the contempt
23 and go and testify or do such other act as required by law, may commit the person
24 to close confinement in the county jail until the person shall so testify or do such act,

1 or be discharged according to law. The sheriff of the county shall execute the
2 commitment.

3 SECTION 310. 887.26 (7) of the statutes is amended to read:

4 **887.26 (7) FEES.** The persons who take depositions and the witness shall be
5 entitled to the fees allowed supplemental court commissioners under s. 814.68 (1)
6 and witnesses for similar service by the law of this state, or such as may be prescribed
7 by the law of the state or country where taken.

8 SECTION 311. 898.02 of the statutes is amended to read:

9 **898.02 Notice to plaintiff.** The person shall cause notice to be given to the
10 plaintiff in the action, the plaintiff's agent or attorney, in writing, that at a time and
11 place specified in the notice the person will apply to the circuit judge or circuit court
12 commissioner of the county in which the person is so confined for the purpose of
13 obtaining a discharge from imprisonment.

14 SECTION 312. 898.04 of the statutes is amended to read:

15 **898.04 Prisoner to be examined.** At the time and place specified in the
16 notice the person shall be taken, under the custody of the jailer, the sheriff or the
17 sheriff's deputy, before the circuit judge or ~~circuit, or supplemental~~ court
18 commissioner, who shall examine the prisoner on oath concerning his or her estate
19 and effects and the disposal thereof and the prisoner's ability to pay the judgment
20 for which he or she is committed; and who shall also hear any other legal and
21 pertinent evidence that may be produced by the debtor or the creditor.

22 SECTION 313. 898.11 of the statutes is amended to read:

23 **898.11 Inability to pay fees.** If the prisoner is unable to pay in whole or in
24 part the fees of the circuit ~~judge or court commissioner~~ in the proceedings, the
25 proceedings shall continue without charge to the prisoner.

1 **SECTION 314.** 906.15 (1) of the statutes is amended to read:

2 906.15 (1) At the request of a party, the judge ^a or ~~circuit~~ court commissioner
3 shall order witnesses excluded so that they cannot hear the testimony of other
4 witnesses, The judge or circuit court commissioner may also make the order of his
5 or her own motion.

6 **SECTION 315.** 906.15 (2) (d) of the statutes is amended to read:

7 906.15 (2) (d) A victim, as defined in s. 950.02 (4), in a criminal case or a victim,
8 as defined in s. 938.02 (20m), in a delinquency proceeding under ch. 938, unless the
9 judge or circuit court commissioner finds that exclusion of the victim is necessary to
10 provide a fair trial for the defendant or a fair fact&ding hearing for the juvenile.
11 The presence-of a victim during the testimony ofbther witnesses may not by itself
12 be a basis for a finding that exclusion of the victim is necessary to provide a fair trial
13 for the defendant or a fair fact-finding hearing for the juvenile.

14 **SECTION 316.** 906.15 (3) of the statutes is amended to read:

15 906.15 (3) The judge or circuit court commissioner may direct that all excluded
16 and non-excluded witnesses be kept separate until called and may prevent them
17 from communicating with one another until they have been examined or the hearing
18 is ended.

19 **SECTION 317.** 911.01 (1) of the statutes is amended to read:

20 **911.01 (1) COURTS AND COURT COMMISSIONERS.** Chapters 901 to 911 apply to the
21 courts of the state of Wisconsin, including municipal courts, ~~family court~~
22 ~~commissioners~~, and circuit, supplemental and municipal court commissioners, in the
23 proceedings and to the extent hereinafter set forth except as provided in s. 972.11.
24 The word “judge” in chs. 901 to 911 means judge of a court of record, municipal judge

1 ~~family or circuit. supplemental or municipal court commissioner+~~
2 ~~commissioner.~~

3 **SECTION 318.** 938.06 (1) (a) 2. of the statutes is amended to read:

4 938.06 (1) (a) 2. The chief judge of the judicial administrative district shall
5 . formulate written judicial policy governing intake and court services- for juvenile
6 ' matters under this chapter and the director shall be charged with executing the
7 judicial policy. The chief judge shall direct and supervise the work of all personnel
8 of the court, except the work of the district attorney or corporation counsel assigned
9 to the court. The chief judge may delegate his or her supervisory functions ~~under s.~~
10 ~~938.065 (1).~~

11 **SECTION 319.** 938.065 of the statutes is repealed.

12 **SECTION 320.** 938.208 (4) of the statutes is amended to read:

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

17 **SECTION 321.** 938.21 (1) (a) of the statutes is amended to read:

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

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

6 **SECTION 322.** 938.21 (1) (b) of the statutes is amended to read:

7 **938.21 (1)** (b) If no petition has been filed by the time of the hearing, a juvenile
8 may be held in custody with the approval of the judge or ~~juvenile circuit~~ court
9 commissioner for an additional 48 hours from the time of the hearing only if, as a
10 result of the facts brought forth at the hearing, the judge or ~~juvenile circuit~~ court
11 commissioner determines that probable cause exists to believe that the juvenile is
12 an imminent danger to himself or herself or to others, or that probable cause exists
13 to believe that the parent, guardian or legal custodian of the juvenile or other
14 responsible adult is neglecting, refusing, unable or unavailable to provide adequate
15 supervision and care. The extension may be granted only once for any petition. In
16 the event of failure to file a petition within the 48-hour extension period provided
17 for in this paragraph, the judge or ~~juvenile circuit~~ court commissioner shall order the
18 juvenile's immediate release from custody.

19 **SECTION 323.** 938.21 (2) (c) of the statutes is amended to read:

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

1 be adversely considered by the judge or juvenile circuit court commissioner, the right
2 to confront and ~~cross-examine~~ witnesses and the right to present witnesses.

3 **SECTION 324.** 938.21 (4) (intro.) of the statutes is amended to read:

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

7 **SECTION 325.** 938.21 (4m) of the statutes is amended to read:

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

11 **SECTION 326.** 938.21 (7) of the statutes is amended to read:

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

17 **SECTION 327.** 938.24 (5) of the statutes is amended to read:

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

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

16 **SECTION 328.** 938.245 (3) of the statutes is amended to read: ^

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

25 **SECTION 329.** 938.30 (9) of the statutes is amended to read:

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

5 **SECTION 330.** 938.32 (1) (a) of the statutes is amended to read:

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

18 **SECTION 331.** 938.32 (1d) of the statutes is amended to read:

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

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

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

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

10 **SECTION 332.** 938.32 (lg) (intro.) of the statutes is amended to read:

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

17 **SECTION 333.** 938.32 (lm) (intro.) and (a) of the statutes are amended to read:

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

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

25 **SECTION 334.** 938.32 (1t) (a) 1. of the statutes is amended to read:

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

19 **SECTION 335.** 938.32 (1t) (a) 1m. of the statutes is amended to read:

20 938.32 (1t) (a) 1m. If the petition alleges that the juvenile has committed a
21 delinquent act that has resulted in damage to the property of another, or in actual
22 physical injury to another excluding pain and suffering, the judge or juvenile circuit
23 court commissioner may require a parent who has custody, as defined in s. 895.035
24 (1), of the juvenile, as a condition of the consent decree, to make reasonable
25 restitution for the damage or injury. Except for recovery for retail theft under s.

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

12 **SECTION 336.** 938.32 (1t) (a) 3. of the statutes is amended to read:

13 938.32 (1t) (a) 3. Under this paragraph, a judge or ~~juvenile~~ juvenile circuit court
14 commissioner may not order a juvenile who is under 14 years of age to make more
15 than \$250 in restitution or to perform more than 40 total hours of services for the
16 victim as restitution.

17 **SECTION 337.** 938.32 (1v) of the statutes is amended to read:

18 938.32 (1v) If the petition alleges that the juvenile is in need of protection or
19 services under s. 938.13 (6), the judge or ~~juvenile~~ juvenile circuit court commissioner may
20 establish as a condition under sub. (1) that the juvenile's parent, guardian or legal
21 custodian attend school with the juvenile.

22 **SECTION 338.** 938.32 (lx) of the statutes is amended to read:

23 938.32 (lx) If the petition alleges that the juvenile violated s. 943.017 and the
24 juvenile has attained the minimum age at which a juvenile may be adjudicated
25 delinquent, the judge or ~~juvenile~~ juvenile circuit court commissioner may require, as a

1 condition of the consent decree, that the juvenile participate for not less than 10
2 hours nor more than 100 hours in a supervised work program under s. 938.34 (5g)
3 or perform not less than 10 hours nor more than 100 hours of other community
4 service work, except that if the juvenile has not attained 14 years of age the
5 maximum number of hours is 40.

6 **SECTION 339.** 938.32 (2) (a) of the statutes is amended to read:

7 938.32 (2) (a) A consent decree shall remain in effect for up to one year unless
8 the juvenile, parent, guardian or legal custodian is discharged sooner by the judge
9 or juvenile circuit court commissioner.

10 **SECTION 340.** 938.32 (6) of the statutes is amended to read:

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

16 **SECTION 341.** 940.203 (1) (b) of the statutes is amended to read:

17 940.203 (1) (b) "Judge" means a supreme court justice, court of appeals judge,
18 circuit court judge, municipal judge, temporary or permanent reserve judge or
19 juvenile, probate, family or other circuit, supplemental or municipal court
20 commissioner.

21 **SECTION 342.** 943.013 (1) (b) of the statutes is amended to read:

22 943.013 (1) (b) "Judge" means a supreme court justice, court of appeals judge,
23 circuit court judge, municipal judge, temporary or permanent reserve judge or
24 juvenile, probate, family or other circuit, supplemental or municipal court
25 commissioner.

1 **SECTION 343.** 946.495 of the statutes is amended to read:

2 **946.495 Violation of nonsecure custody order.** If a person has been placed
3 in nonsecure custody by an intake worker under s. 938.207 or by a judge or ~~juvenile~~
4 circuit court commissioner under s. 938.21 (4) and the person is alleged to be
5 delinquent under s. 938.12, alleged to be in need of protection or services under s.
6 938.13 (12) or has been taken into custody for committing an act that is a violation
7 of a state or federal criminal law, the person is guilty of a Class A misdemeanor if he
8 or she intentionally fails to comply with the conditions of his or her placement in
9 nonsecure custody.

10 **SECTION 344.** 967.07 of the statutes is amended to read:

11 **967.07 ~~Court~~ Circuit court commissioners.** A circuit court commissioner
12 may exercise powers or perform duties specified for a judge if such action is permitted
13 under s. 757.69.

14 **SECTION 345.** 971.20 (3) (a) of the statutes is amended to read:

15 971.20 (3) (a) In this subsection, "judge" includes a circuit court commissioner
16 who is assigned to conduct the preliminary examination.

17 **SECTION 346.** 973.20 (13) (c) 4. of the statutes is amended to read:

18 973.20 (13) (c) 4. Refer the disputed restitution issues to a circuit court
19 commissioner or other appropriate referee, who shall conduct a hearing on the
20 matter and submit the record thereof, together with proposed findings of fact and
21 conclusions of law, to the court within 60 days of the date of referral. Within 30 days
22 after the referee's report is filed, the court shall determine the amount of restitution
23 on the basis of the record submitted by the referee and incorporate it into the
24 sentence or probation order imposed. The judge may direct that hearings under this

1 subdivision be recorded either by audio recorder or by a court reporter. A transcript
2 is not required unless ordered by the judge.

3 **SECTION 347.** 977.05 (6) (b) 2. of the statutes is amended to read:

4 977.05 (6) (b) 2. The judge or ~~family~~ circuit court commissioner before whom
5 the proceedings shall be held certifies to the state public defender that the person will
6 not be incarcerated if he or she is found in contempt of court.

7 **SECTION 348.** 979.05 (1) of the statutes is amended to read:

8 979.05 (1) An inquest shall be conducted by a circuit judge or a circuit court
9 commissioner.

10 **SECTION 349.** 979.05 (2) of the statutes is repealed and recreated to read:

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

1 require the clerk of the circuit court to select sufficient additional jurors' names.
2 Those persons shall be summoned forthwith by the sheriff of the county.

3 **SECTION 350.** 979.05 (3) of the statutes is repealed and recreated to read:

4 979.05 (3) The judge or circuit court commissioner shall examine on oath or
5 affirmation each person who is called as a juror to discover whether the juror is
6 related by blood or marriage to the decedent, any member of the decedent's family,
7 the district attorney, any other attorney appearing in the case, any members of the
8 office of the district attorney or any other attorney appearing in the case or has
9 expressed or formed any opinion regarding the matters being inquired into or is
10 aware of or has any bias or prejudice concerning the matters being inquired into in
11 the inquest. If any prospective juror is found to be not indifferent or is found to have
12 formed an opinion which cannot be laid aside, that juror shall be excused. The judge
13 or circuit court commissioner may select one or more alternate jurors if the inquest
14 is likely to be protracted. This subsection does not limit the right of the district
15 attorney to supplement the judge's or circuit court commissioner's examination of
16 any prospective jurors as to qualifications.

17 **SECTION 351.** 979.05 (4) of the statutes is amended to read:

18 979.05 (4) When 6 jurors have been selected, the judge or circuit court
19 commissioner shall administer to them an oath or affirmation which shall be
20 substantially in the following form:

21 You do solemnly swear (affirm) that you will diligently inquire and determine
22 on behalf of this state when, and in what manner and by what means, the person
23 known as who is now dead came to his or her death and that you will return
24 a true verdict thereon according to your knowledge, according to the evidence

1 presented and according to the instructions given to you by the . . . (judge) (circuit
2 court commissioner).

3 **SECTION 352.** 979.05 (5) of the statutes is amended to read:

4 979.05 (5) Prior to the submission of evidence to the jury, the judge or circuit
5 court commissioner may instruct the jury on its duties and on the substantive law
6 regarding the issues which may be inquired into before the jury. The district attorney
7 may, at any time during the course of the inquest, make statements to the jury
8 relating to procedural or evidentiary matters he or she and the judge or circuit court
9 commissioner deem appropriate. Section 972.12 applies to the conduct of the inquest
10 jury.

11 **SECTION 353.** 979.05 (6) of the statutes is amended to read:

12 979.05 (6) The judge or circuit court commissioner conducting the inquest may
13 order that proceedings be secret if the district attorney so requests or concurs.

14 **SECTION 354.** 979.06 (1) of the statutes is amended to read:

15 979.06 (1) The judge or circuit court commissioner may issue subpoenas for
16 witnesses at the request of the coroner or medical examiner and shall issue
17 subpoenas for witnesses requested by the district attorney. Subpoenas are
18 returnable at the time and place stated therein. Persons who are served with a
19 subpoena may be compelled to attend proceedings in the manner provided in s.
20 885.12.

21 **SECTION 355.** 979.06 (2) of the statutes is amended to read:

22 979.06 (2) The judge or circuit court commissioner conducting the inquest and
23 the district attorney may require by subpoena the attendance of one or more expert
24 witnesses, including physicians, surgeons and pathologists, for the purposes of
25 conducting an examination of the body and all relevant and material scientific and

1 medical tests connected with the examination and testifying as to the results of the
2 examination and tests. The expert witnesses so subpoenaed shall receive reasonable
3 fees determined by the district attorney and the judge or circuit court commissioner
4 conducting the inquest.

5 **SECTION 356.** 979.06 (3) of the statutes is amended to read:

6 979.06 (3) Any witness examined at an inquest may have counsel present
7 during the examination of that witness. The counsel may not examine or
8 cross-examine his or her client, cross-examine or call other witnesses or argue
9 before the judge or circuit court commissioner holding the inquest.

10 **SECTION 357.** 979.06 (4) (intro.) of the statutes is amended to read:

11 979.06 (4) (intro.) The judge or circuit court commissioner shall administer an
12 oath or affirmation to each witness which shall be substantially in the following
13 form:

14 **SECTION 358.** 979.06 (5) of the statutes is amended to read:

15 979.06 (5) The judge or circuit court commissioner conducting the inquest shall
16 cause the testimony given by all witnesses to be reduced to writing or recorded and
17 may employ stenographers to take and transcribe all of the testimony. The
18 stenographer shall receive reimbursement at a reasonable rate for each appearance
19 and transcription at rates in accordance with the customary charges in the area for
20 similar services.

21 **SECTION 359.** 979.08 (1) of the statutes is amended to read:

22 979.08 (1) When the evidence is concluded and the testimony closed, the judge
23 or circuit court commissioner shall instruct the jury on its duties and on the
24 substantive law regarding the issues inquired into before the jury. The district
25 attorney shall prepare a written set of appropriate requested instructions and shall

1 submit them to the judge or circuit court commissioner who, together with the
2 district attorney, shall compile the final set of instructions which shall be given. The
3 instructions shall include those criminal offenses for which the judge or circuit court
4 commissioner believes a reasonable jury might return a verdict based upon a finding
5 of probable cause.

6 **SECTION 360.** 979.08 (3) (intro.) of the statutes is amended to read:

7 979.08 (3) (intro.) The jury shall retire to consider its verdict after hearing all
8 of the testimony and evidence, making all necessary inquiries and having been
9 instructed in the law. The judge or circuit court commissioner shall provide the jury
10 with one complete set of written instructions providing the substantive law to be
11 applied to the issues to be decided. The verdict shall be in a form which permits the
12 following findings:

13 **SECTION 361.** 979.08 (6) of the statutes is amended to read:

14 979.08 (6) Any verdict so rendered, after being validated and signed by the
15 judge or circuit court commissioner, together with the record of the inquest, shall be
16 delivered to the district attorney for consideration. After considering the verdict and
17 record, the district attorney may deliver the entire inquest record or any part thereof
18 to the coroner or medical examiner for safekeeping.

19 **SECTION 362.** 979.08 (7) of the statutes is amended to read:

20 979.08 (7) The record of a secret inquest proceeding shall not be open for
21 inspection unless so ordered by the judge or circuit court commissioner conducting
22 the inquest upon petition by the district attorney.

23 **SECTION 363.** 979.09 of the statutes is amended to read:

24 **979.09 Burial of body.** If any judge or circuit court commissioner conducts
25 an inquest as to the death of a stranger or of a person whose identity is unknown or

1 whose body is unclaimed or if the district attorney determines that no inquest into
2 the death of such a person is necessary and the circuit judge has not ordered an
3 inquest under s. 979.04 (2), the coroner or medical examiner shall cause the body to
4 be decently buried or cremated and shall certify to all the charges incurred in taking
5 any inquest by him or her and to the expenses of burial or cremation of the dead body.
6 The charges and expenses shall be audited by the county board of the proper county
7 and paid out of the county treasury.

8 **SECTION 364. Initial applicability.**

9 (1) This act ~~if~~ applies to actions commenced on the effective date of this
10 subsection.

11 **SECTION 365. Effective date.**

12 (1) This act takes effect on the first day of the 2nd month beginning after
13 publication.

14 **(END)**

insert anl:

Current law establishes the powers and duties of family, juvenile, probate and part-time court commissioners. In addition, current law establishes how these court commissioners are appointed, who determines how many court commissioners shall be appointed and whether they are classified or unclassified within their respective counties. Currently, some of the powers of each of the different court commissioners are specified in the statutes related to their subject area, such as juvenile court commissioner's duties in chapter 48 and 938 of the statutes. Other duties of these court commissioners are specified in the general court statutes.

In supreme court order 97-10, the supreme court created chapter 75 of the supreme court rules. Those rules, effective January 1, 1999, create two types of court commissioners, circuit court commissioners (formerly family, juvenile and probate court commissioners) and supplemental court commissioners (formerly part-time court commissioners). Under these rules, all circuit commissioners are appointed by the chief judge of their judicial administrative district. The powers of those circuit court commissioners are as specified by statute, except that the chief judge may, under the rules, authorize the powers that a specific circuit court commissioner may perform. Chapter 75 of the supreme court rules also authorizes the chief judge to allow a supplemental court commissioner to perform specific duties of a circuit court commissioner on a temporary basis.

This bill consolidates all of the powers and duties of court commissioners into one chapter of the statutes and codifies chapter 75 of the supreme court rules. The bill creates two types of court commissioners, circuit court commissioners (formerly family, juvenile and probate court commissioners) and supplemental court commissioners (formerly part-time court commissioners), and gives the chief judge of the judicial administrative district the power to appointment the court commissioners. The bill does not change any of the powers and duties currently provided to court commissioners, but does specify that circuit court commissioners have, in addition to their own specified powers and duties, all of those powers and duties provided to supplemental court commissioners.

insert 42-14: ✓

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

757.69 (1) (j) Hold hearings, make findings and issue temporary restraining orders under s. 313.122 or 813.123. ✓

1 insert 42-18: ✓

2 SECTION 2. 757.69 (1) (m) of the statutes is amended to read:

3 757.69 (1) (m) Hold hearings, make findings and issue temporary restraining
4 orders and injunctions under s. ~~813.12%~~ 813.125.

31, 246; Supl Ct/ C. 223, 159 WI(2d) xxv (1979), d 989; a 979, 2, 69, 91, 993; 107318, 451, 481, 1989 a 279, 97985 a. 126, 202, 234, 332; 1987 a. 3, 27, 71, 378, 398; 1989 a. 7, 12, 77; 191, 192, 292; (1) (b).

5
6 insert 53-22: ✓

7 SECTION 3. 767.085 (3) of the statutes is amended to read:

8 767.085 (3) SERVICE. If only one party initiates the action, the other shall be
9 served under ch. 801 and may serve a response or counterclaim within 20 days after
10 the date of service, except that questions of jurisdiction may be raised at any time
11 prior to judgment. Service shall be made upon the petitioner and upon the ~~family~~
12 circuit court commissioner as provided in s. 767.14, and the original copy of the
13 response shall be filed in court. If the parties together initiate the action with a joint
14 petition, service of summons is not required.

History: 1971 c. 220; 1977 c. 105; 1979 c. 32 ss. 50.92 (4); 1979 c. 196; 1979 c. 352 s. 39; Stats. 1979 s. 767.085; 1985 8.29; 1987 a. 332 s. 64; 1987 a. 355, 403; 1989 a. 31, 56, 132; 1993 a. 78, 481; 1995 a 27 s. 9126 (19); 1995 a. 201.404; 1997 a. 191.

15
16 insert 89-14: ✓ (1), (2) and (4) are

17 SECTION 4. 799.206 of the statutes & amended to read:

18 ~~No (B) 799.206 Return date proceedings before court commissioner, (1) In~~
19 ~~counties establishing at least one part-time or full-time court commissioner position~~
20 ~~under s. 757.68 (1)(b), all All~~ actions and proceedings commenced under this chapter
21 shall be returnable before a circuit court commissioner appointed under s. 757.68 ~~the~~ ✓
22 ~~In any other county, a court commissioner may conduct return date proceedings if~~
23 ~~delegated such authority under s. 757.69 (1) (d)~~ plain (1)

1 (2) Judgment on failure to appear may be entered by the circuit court
2 commissioner or the clerk upon the return date as provided in s. 799.22.

3 ~~(3) When all parties appear in person or by their attorneys on the return date
4 in an eviction, garnishment or replevin action and any party claims that a contest
5 exists, the matter shall be forthwith scheduled for a hearing, to be held as soon as
6 possible before a judge.~~

7 (4) Except as provided in sub. (3), the circuit court commissioner shall hear all
8 matters using the procedures set forth in s. 799.207.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0137/1dn
RPN:kmg:lp

I have some concerns about this draft:

1. In sections **767.081 (2) (a)**, **767.29** (title) and (1) (e) and 767.37 (2) **there** is mention of compensation for or charges made by court commissioners. Are those references accurate?

2. In section 799.206, the law says the "action" is "returnable" to the court commissioner. Does that mean the action is first heard by the court commissioner? If so, then why are we using a word that only attorneys and courts understand?

Please review this draft carefully, again.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0137/1dn
RPN:kmg:ch

February 9, 1999

I have some concerns about this draft:

1. In sections 767.081 (2) (a), 767.29 (title) and (1) (e) and 767.37 (2), there is mention of compensation for or charges made by court commissioners. Are those references accurate?

2. In section 799.206, the law says the "action" is "returnable" to the court commissioner. Does that mean the action is first heard by the court commissioner? If so, then why are we using a word that only attorneys and courts understand?

Please review this draft carefully, again.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511