



1999 BILL

Due

WFO: check all pages, not just the clipped ones.

Gen. Cat.

1 **AN ACT to repeal** 48.065 (title), 48.065 (2) to (4), 753.175, 757.68 (2) (title), 757.68
2 (3), (4) and (5) (title), 757.69 (6), 757.695, 757.72 (title), 757.72 (2), 757.72 (3),
3 757.72 (4), 757.72 (6), 757.72 (7), 757.72 (8), 757.81 (2), 767.13 (title), 767.13 (2)
4 (title), 767.13 (2) (b), (3) and (4), 767.13 (5) (title) and (a) (title), 767.13 (5) (b)
5 (title), 767.13 (5) (c) (title), 767.13 (6), 767.13 (7) (title), 767.17 and 938.065; **to**
6 **renumber and amend 48.065** (1), 757.68 (2), 757.68 (5), 757.69 (1) (g), 757.69
7 (3), 757.69 (4) and (5), 757.69 (7), 757.72 (1), 757.72 (5), 767.13 (1), 767.13 (2)
8 (a), 767.13 (5) (a), 767.13 (5) (b), 767.13 (5) (c) and 767.13 (7); **to amend** 13.24
9 (l), 19.01 (4) (c), 20.445 (3) (cb), 40.08 (9m), 46.03 (3), 48.06 (1) (a) 2., 48.208 (4),
10 48.21 (1) (a), 48.21 (1) (b), 48.21 (4) (intro.), 48.21 (7), 48.213 (1) (a), 48.213 (1)
11 (b), 48.213 (3) (intro.), 48.213 (6), 48.227 (4) (a), 48.30 (9), 48.32 (1), 48.32 (2) (a),
12 48.32 (6), 49.25 (8) (b), 49.852 (3), 49.854 (2) (c), 49.854 (3) (ag) 2., 49.854 (3) (ar),
13 49.854 (3) (b), 49.854 (5) (f), 49.854 (6) (c), 49.854 (7) (c), 49.854 (7m), 49.855 (3),
14 49.855 (4m) (b), 49.856 (4), 49.857 (2) (c) l., 49.857 (3) (ac), 49.857 (3) (ar), 49.858

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12 767.081 (2) (b), 767.083 (2), 767.085 (1) (i), 767.085 (1) (j) (intro.), 767.085 (3),
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14 813.125 (4m) (c) 2., 813.125 (4m) (d) (intro.), 813.125 (4m) (d) 2., 813.125 (5)
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20 938.245 (3), 938.30 (9), 938.32 (1) (a), 938.32 (ld), 938.32 (lg) (intro.), 938.32
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22 938.32 (1v), 938.32 (lx), 938.32 (2) (a), 938.32 (6), 940.203 (1) (b), 943.013 (1)
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25 (intro.), 979.06 (5), 979.08 (1), 979.08 (3) (intro.), 979.08 (6), 979.08 (7) and

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979.09; **to repeal and recreate** 17.16 (1), 757.68 (1), 757.69 (1) (intro.), 757.69 (1) (k), 979.05 (2) and 979.05 (3); and **to create** 757.001, 757.01 (4), 757.675 (title), 757.68 (5m), 757.68 (6), 757.68 (7), 757.69 (1) (g) 8. to 14., 757.69 (1m), 757.69 (2m) and 757.69 (8) of the statutes; **relating to:** powers, responsibilities and appointment of court commissioners.

included

Analysis by the Legislative Reference Bureau

small claims

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 commissioners' duties in chapter 48 and 938 of the statutes. Other duties of these court commissioners are specified in the general court statutes.

X

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.

Circuit

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 commissioner's (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 appoint 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.

as court commissioners have under current law

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

related to the appointment and authority of court commissioners

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

2 13.24 (1) After the service of the notice required by s. 13.23 either party may
3 proceed to take the depositions of witnesses before any judge, circuit or supplemental
4 court commissioner or a municipal judge in the district where the contest is pending,
5 upon giving 10 days' notice in writing to the opposite party of the time and place at
6 which and the officer before whom such depositions will be taken. No deposition
7 shall be taken after the last Monday preceding the day fixed by law for the meeting
8 of the legislature, except in case of sickness or unavoidable absence of witnesses.

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

10 17.16 (1) Removals from office at pleasure shall be made by order, a copy of
11 which shall be filed as provided by sub. (8), except that a copy of the order of removal
12 of a circuit court commissioner shall be filed in the office of the clerk of the circuit
13 court.

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

15 19.01 (4) (c) In the office of the clerk of the circuit court for any county: Of all
16 circuit and supplemental court commissioners, ~~of all family court commissioners,~~ of
17 all municipal judges, and of all other judges or judicial officers elected or appointed
18 for that county, or whose jurisdiction is limited thereto;

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

20 20.445 (3) (cb) *Child support collection-county administration.* The amounts
21 in the schedule for the county child support order revision programs under s. 49.23
22 (1), for state incentive payments under s. 49.23 (2), for assistance to counties in
23 establishing paternity and obtaining child support and for payments to Milwaukee
24 County under s. 49.25 (8) (b) to fund an additional family circuit court commissioner
25 to assist in matters affecting the family.

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

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

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

10 **46.03 (3) TRUSTEE DUTY.** Take and hold in trust, whenever it considers
11 acceptance advantageous, all property transferred to the state to be applied to any
12 specified purpose, use or benefit pertaining to any of the institutions under its control
13 or the inmates thereof, and apply the same in accordance with the trust; and when
14 ordered by the court, act as trustee of funds paid for the support of any child if
15 appointed by the court or ~~family a circuit~~ court commissioner under s. 767.475 (7).

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

17 **48.06 (1) (a) 2.** The chief judge of the judicial administrative district shall
18 formulate written judicial policy governing intake and court services for child
19 welfare matters under this chapter and the department shall be charged with
20 executing the judicial policy. The chief judge shall direct and supervise the work of
21 all personnel of the court, except the work of the district attorney or corporation
22 counsel assigned to the court. ~~The chief judge may delegate his or her supervisory~~
23 ~~functions under s. 48.065 (1).~~

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

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

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

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

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

16 48.208 (4) Probable cause exists to believe that the child, having been placed
17 in nonsecure custody by an intake worker under s. 48.207 (1) or by the judge or
18 ~~juvenile~~ a circuit court commissioner under s. 48.21 (4), has run away or committed
19 a delinquent act and no other suitable alternative exists.

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

21 48.21 (1) (a) If a child who has been taken into custody is not released under
22 s. 48.20, a hearing to determine whether the child shall continue to be held in custody
23 under the criteria of ss. 48.205 to 48.209 shall be conducted by the judge or ~~juvenile~~
24 a circuit court commissioner within 48 hours of the time the decision to hold the child
25 was made, excluding Saturdays, Sundays and legal holidays. By the time of the

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1 hearing a petition under s. 48.25 shall be filed, except that no petition need be filed
2 where a child is taken into custody under s. 48.19 (1) (b) or (d) 2. or 7. or where the
3 child is a runaway from another state, in which case a written statement of the
4 reasons for holding a child in custody shall be substituted if the petition is not filed.
5 If no hearing has been held within 48 hours, excluding Saturdays, Sundays and legal
6 holidays, or if no petition or statement has been filed at the time of the hearing, the
7 child shall be released except as provided in par. (b). A parent not present at the
8 hearing shall be granted a rehearing upon request.

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

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

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

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

7 48.21 (4) **CONTINUATION OF CUSTODY.** (intro.) If the judge or juvenile circuit court
8 commissioner finds that the child should be continued in custody under the criteria
9 of s. 48.205, he or she shall enter one of the following orders:

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

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

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

19 48.213 (1) (a) If an adult expectant mother of an unborn child who has been
20 taken into custody is not released under s. 48.203, a hearing to determine whether
21 the adult expectant mother shall continue to be held in custody under the criteria of
22 s. 48.205 (1m) shall be conducted by the judge or juvenile a circuit court
23 commissioner within 48 hours after the time that the decision to hold the adult
24 expectant mother was made, excluding Saturdays, Sundays and legal holidays. By
25 the time of the hearing a petition under s. 48.25 shall be filed, except that no petition

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1 need be filed when an adult expectant mother is taken into custody under s. 48.193
2 (1) (b) or(d) 1. or 3., in which case a written statement of the reasons for holding the
3 adult expectant mother in custody shall be substituted if the petition is not filed. If
4 no hearing has been held within those 48 hours, excluding Saturdays, Sundays and
5 legal holidays, or if no petition or statement has been filed at the time of the hearing,
6 the adult expectant mother shall be released except as provided in par. (b).

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

8 48.213 (1) (b) If no petition has been filed by the time of the hearing, an adult
9 expectant mother of an unborn child may be held in custody with the approval of the
10 judge or ~~juvenile circuit~~ court commissioner for an additional 72 hours after the time
11 of the hearing, excluding Saturdays, Sundays and legal holidays, only if, as a result
12 of the facts brought forth at the hearing, the judge or ~~juvenile circuit~~ court
13 commissioner determines that probable cause exists to believe that there is a
14 substantial risk that if the adult expectant mother is not held, the physical health
15 of the unborn child, and of the child when born, will be seriously affected or
16 endangered by the adult expectant mother's habitual lack of self-control in the use
17 of alcohol beverages, controlled substances or controlled substance analogs,
18 exhibited to a severe degree, and to believe that the adult expectant mother is
19 refusing or has refused to accept any alcohol or other drug abuse services offered to
20 her or is not making or has not made a good faith effort to participate in any alcohol
21 or other drug abuse services offered to her. The extension may be granted only once
22 for any petition. In the event of failure to file a petition within the extension period
23 provided for in this paragraph, the judge or ~~juvenile circuit~~ court commissioner shall
24 order the adult expectant mother's immediate release from custody.

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

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1 **48.213 (3) CONTINUATION OF CUSTODY.** (intro.) If the judge or juvenile circuit
2 court commissioner finds that the adult expectant mother should be continued in
3 custody under the criteria of s. 48.205 (lm), the judge or juvenile circuit court
4 commissioner shall enter one of the following orders:

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

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

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

12 48.227 (4) (a) If the child's parent, guardian or legal custodian does not consent
13 to the temporary care and housing of the child at the runaway home as provided
14 under sub. (2) or (3), a hearing shall be held on the issue by the judge or juvenile a
15 circuit court commissioner within 24 hours of the time that the child entered the
16 runaway home, excluding Saturdays, Sundays and legal holidays. The intake
17 worker shall notify the child and the child's parent, guardian or legal custodian of
18 the time, place and purpose of the hearing.

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

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

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

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

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

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

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

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

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

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

4 49.25 (8) (b) From the appropriation under s. 20.445 (3) (cb), the department
5 shall provide funds to Milwaukee county to fund an additional ~~family~~ circuit court
6 commissioner to assist in matters affecting the family.

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

8 49.852 (3) If a person has requested a hearing pursuant to sub. (2) (b), the
9 hearing shall be conducted before the circuit court that rendered the initial order to
10 pay support. The court shall schedule a hearing within 10 business days after
11 receiving a request for a hearing. ~~The family~~ A circuit court commissioner may
12 conduct the hearing. If the court determines that the person owes the amount
13 specified in the statewide support lien docket under s. 49.854 (2) (b), the department
14 of workforce development may direct the department of employe trust funds, the
15 retirement system of any 1st class city, any retirement system established under
16 chapter 201, laws of 1937, or the administrator of any other pension plan, whichever
17 is appropriate, to withhold the amount from any lump sum payment from a pension
18 plan that may be paid the person. If the court determines that the person does not
19 owe the amount specified in the statewide support lien docket under s. 49.854 (2) (b),
20 the department of workforce development may not direct the department of employe
21 trust funds, the retirement system of any 1st class city, any retirement system
22 established under chapter 201, laws of 1937, or the administrator of any other
23 pension plan, whichever is appropriate, to withhold the amount from any lump sum
24 payment from a pension plan that may be paid the person.

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

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1 49.854 (2) (c) *Updating the statewide support lien docket.* The department shall
2 update the statewide support lien docket in response to orders issued by a court or
3 ~~family circuit court commissioner~~ shall periodically update the
4 statewide support lien docket to reflect changes in the amounts of the liens contained
5 in the docket.

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

7 49.854 (3) (ag) 2. If the obligor disagrees with the determination of the
8 department, the obligor may request a hearing with the court or a ~~family circuit~~ court
9 commissioner to review the department's determination. To request a hearing under
10 this subdivision, the obligor shall make the request within 5 business days of the date
11 of the department's determination under subd. 1. The obligor shall make the request
12 in writing and shall mail or deliver a copy of the request to the county child support
13 agency. If a timely request for a hearing is made under this subdivision, the court
14 or ~~family circuit~~ court commissioner shall hold the hearing within 15 business days
15 of the request. If, at the hearing, the obligor establishes that the lien is not proper
16 because of a mistake of fact, the court or ~~family circuit~~ court commissioner shall order
17 the department to remove the lien from the statewide support lien docket or adjust
18 the amount of the delinquent obligation.

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

20 49.854 (3) (ar) *Direct appeal.* If the obligor has not requested a financial
21 records and court order review under par. (ag), the obligor may request a hearing
22 under this paragraph within 20 business days of the date of the notice under par. (a).
23 The obligor shall make the request in writing and shall mail or deliver a copy of the
24 request to the county child support agency. If a timely request for a hearing is made
25 under this paragraph, the court or ~~family circuit~~ court commissioner shall schedule

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1 a hearing within 10 days after the date of the request. If, at the hearing, the obligor
2 establishes that the lien is not proper because of a mistake of fact, the court or ~~family~~
3 circuit court commissioner shall order the department to remove the lien from the
4 statewide support lien docket or adjust the amount of the delinquent obligation.

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

6 **49.854 (3) (b) Appeal.** If a ~~family~~ circuit court commissioner conducts a hearing
7 under par. (ag) or (ar), the department or the obligor may, within 15 business days
8 after the date of the decision by the ~~family~~ circuit court commissioner, request review
9 of the decision by the court having jurisdiction over the action. The court conducting
10 the review may order that the lien be withdrawn from the statewide support lien
11 dockets or may order an adjustment of the amount of the delinquent obligation. If
12 no appeal is sought or if the court does not order the withdrawal of the lien, the
13 department may take appropriate actions to enforce the lien.

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

15 **49.854 (5) (f) Hearings.** A hearing requested under par. (d) 6. shall be
16 conducted before the circuit court rendering the order to pay support. Within 45
17 business days after receiving a request for hearing under par. (d) 6., the court shall
18 conduct the hearing. ~~The family~~ A circuit court commissioner may conduct the
19 hearing. The hearing shall be limited to a review of whether the account holder owes
20 the amount of support certified and whether any alternative payment arrangement
21 offered by the department or the county child support agency is reasonable. If the
22 court or ~~family~~ circuit court commissioner makes a written determination that an
23 alternative payment arrangement offered by the department or county child support
24 agency is not reasonable, the court or ~~family~~ circuit court commissioner may order
25 an alternative payment arrangement. If the court or ~~family~~ circuit court

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1 commissioner orders an alternative payment arrangement, the court or ~~family~~
2 circuit court commissioner shall order the department to release all or a portion of
3 the funds. If the court or ~~family~~ circuit court commissioner determines that the
4 account holder does not owe support or owes less than the amount claimed by the
5 department, the court shall order the department to return the seized funds or the
6 excess of the seized funds over the amount of the delinquency to the account holder.
7 If a ~~family~~ circuit court commissioner conducts the hearing under this paragraph,
8 the department or the obligor may, within 15 business days after the date that the
9 ~~family~~ circuit court commissioner makes his or her decision, request review of the
10 decision by the court with jurisdiction over the action.

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

12 *49.854 (6) (c) Hearing.* If a hearing is requested under par. (b) 4., the court or
13 ~~family~~ circuit court commissioner shall schedule a hearing within 10 business days
14 after receiving the request under par. (b) 4. The hearing shall be limited to a review
15 of whether the obligor owes the amount of support owed that is stated in the notice
16 of seizure and whether any alternative payment arrangement offered by the
17 department or the county child support agency is reasonable. If the court or ~~family~~
18 circuit court commissioner makes a written determination that an alternative
19 payment arrangement offered by the department or county child support agency is
20 not reasonable, the court or ~~family~~ circuit court commissioner may order an
21 alternative payment arrangement. If the court or ~~family~~ circuit court commissioner
22 orders an alternative payment arrangement, the court or ~~family~~ circuit court
23 commissioner shall order the department to return the seized property within 15
24 business days. If the court or ~~family~~ circuit court commissioner determines that the
25 obligor does not owe support or owes less than the amount claimed by the

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1 department, the court shall order the department to return the seized property
2 within 15 business days or specify the amount which may be retained by the
3 department after the sale of the seized property. If a ~~family circuit~~ court
4 commissioner conducts the hearing under this paragraph, the department or the
5 obligor may, within 15 business days after the date that the ~~family circuit~~ court
6 commissioner makes his or her decision, request review of the decision by the court
7 with jurisdiction over the action. The court reviewing the decision may order the
8 department to return the seized property or may authorize the sale of the property
9 by the department. If the department is ordered to return seized property under this
10 paragraph, the court shall instruct any state agency responsible for titling the
11 property that it may transfer title to the property without receiving instructions from
12 a court or the department under par. (a).

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

14 **49.854 (7) (c) Hearing.** If a hearing is requested under par. (b) 1. c., the court
15 or ~~family circuit~~ court commissioner shall schedule a hearing within 10 business
16 days after receiving the request under par. (b) 1. c. The hearing shall be limited to
17 a review of whether the obligor owes the amount of support owed that is stated in the
18 notice of intent under par. (b) and whether any alternative payment arrangement
19 offered by the department or the county child support agency is reasonable. If the
20 court or ~~family circuit~~ court commissioner makes a written determination that an
21 alternative payment arrangement offered by the department or county child support
22 agency is not reasonable, the court or ~~family circuit~~ court commissioner may order
23 an alternative payment arrangement. If the court or ~~family circuit~~ court
24 commissioner orders an alternative payment arrangement, the court or ~~family~~
25 ~~circuit~~ court commissioner shall order the department not to proceed with the levy.

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1 If the court or family circuit court commissioner determines that the obligor does not
2 owe support or owes less than the amount claimed by the department, the court shall
3 order the department not to proceed with the levy or specify the amount that may
4 be retained by the department after the sale of the seized property. If a family circuit
5 court commissioner conducts the hearing under this paragraph, the department or
6 the obligor may, within 15 business days after the date that the family circuit court
7 commissioner makes his or her decision, request review of the decision by the court
8 with jurisdiction over the action. The court reviewing the decision may order the
9 department not to proceed with the levy of the property or may authorize the sale of
10 the property by the department.

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

12 **49.854 (7m) JOINTLY HELD PROPERTY.** A person, other than the obligor, who holds
13 a joint interest in property levied against under this section may request a hearing,
14 as provided in subs. (5) (d) 6m., (6) (b) 3m. or (7) (b) 1. d., to determine the proportion
15 of the value of the property that is attributable to his or her net contribution to the
16 property. If a hearing is requested under this subsection, the court or family circuit
17 court commissioner shall schedule a hearing within 10 days after receiving the
18 request. The hearing shall be limited to determining the proportion of the value of
19 the property that is attributable to the person's net contribution to the property. If
20 more than one person requests a hearing under this subsection, or if the obligor
21 requests a hearing under sub. (5) (f), (6) (c) or (7) (c), with respect to the same
22 property, the court or family circuit court commissioner may schedule the hearings
23 together. The person requesting the hearing shall have the burden of proving his or
24 her net contribution by clear and convincing evidence. If the court determines that
25 a portion of the jointly held property is attributable to the contributions of the person,

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1 the court shall direct the department or the county child support agency to pay the
2 person, from the net balance of the jointly held account or the net proceeds of the sale
3 of the jointly held real or personal property, the proportion of the gross value of the
4 account or real or personal property that is attributable to that person. If ~~the family~~
5 a circuit court commissioner conducts the hearing under this subsection, the person
6 may, within 15 business days after the date that the ~~family circuit~~ court
7 commissioner makes his or her decision, request review of the decision by the court
8 with jurisdiction over the action.

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

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

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1 conduct the hearing. The sole issues at that hearing shall be whether the obligor
2 owes the amount certified and, if not and it is a support or maintenance order,
3 whether the money withheld from a tax refund or credit shall be paid to the obligor
4 or held for future support or maintenance. An obligor may, within 20 days of
5 receiving notice that the amount certified shall be withheld from his or her federal
6 tax refund or credit, request a hearing under this subsection.

7 **SECTION 36.** 49.855 (4m) (b) of the statutes, as affected by 1997 Wisconsin Act
8 237, section 212, is amended to read:

9 49.855 (4m) (b) The department of revenue may provide a certification that it
10 receives under sub. (1), (2m) or (2p) to the department of administration, Upon
11 receipt of the certification, the department of administration shall determine
12 whether the obligor is a vendor or is receiving any other payments from this state,
13 except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s.
14 45.351 (1), this chapter or ch. 46, 108 or 301. If the department of administration
15 determines that the obligor is a vendor or is receiving payments from this state,
16 except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s.
17 45.351 (1), this chapter or ch. 46, 108 or 301, it shall begin to withhold the amount
18 certified from those payments and shall notify the obligor that the state intends to
19 reduce any payments due the obligor by the amount the obligor is delinquent under
20 the support or maintenance order, by the outstanding amount for past support,
21 medical expenses or birth expenses under the court order or by the amount due under
22 s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days after receipt
23 of the notice the obligor may request a hearing before the circuit court rendering the
24 order. An obligor may, within 20 days after receiving notice, request a hearing under
25 this paragraph. Within 10 days after receiving a request for hearing under this

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1 paragraph, the court shall set the matter for hearing. ~~The family A circuit~~ court
2 commissioner may conduct the hearing. Pending further order by the court or ~~family~~
3 circuit court commissioner, the department of workforce development or its designee,
4 whichever is appropriate, may not disburse the payments withheld from the obligor.
5 The sole issues at the hearing are whether the obligor owes the amount certified and,
6 if not and it is a support or maintenance order, whether the money withheld shall be
7 paid to the obligor or held for future support or maintenance.

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

9 49.856 (4) If the obligor requests a hearing under sub. (3) (b), the circuit court
10 shall schedule a hearing within 10 business days after receiving the request. The
11 only issue at the hearing shall be whether the person owes the delinquent payment
12 or outstanding amount specified in the statewide support lien docket under s. 49.854
13 (2) (b). A ~~family circuit~~ court commissioner may conduct the hearing.

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

15 49.857 (2) (c) 1. The system shall provide for adequate notice to an individual
16 who is delinquent in making court-ordered payments of support, an opportunity for
17 the individual to make alternative arrangements for paying the delinquent support,
18 an opportunity for the individual to request and obtain a hearing before a court or
19 ~~family circuit~~ court commissioner as provided in sub. (3) and prompt reinstatement
20 of the individual's license upon payment of the delinquent support or upon making
21 satisfactory alternative payment arrangements.

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

23 49.857 (3) (ac) 1. If an individual timely requests a hearing under par. (a) 5.,
24 the court shall schedule a hearing within 10 business days after receiving the
25 request. ~~The family A circuit~~ court commissioner may conduct the hearing. The only

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1 issues at the hearing shall be whether the individual is delinquent in making
2 court-ordered payments of support and whether any alternative payment
3 arrangement offered by the department of workforce development or the county child
4 support agency is reasonable.

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

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

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

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

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

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

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

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

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

22 51.10 (4m) (d) If a patient admitted under par. (a) 1. has not signed a voluntary
23 admission application within 7 days after admission, the patient, the guardian ad
24 litem and the physician who signed the admission request shall appear before the
25 judge or a ~~circuit~~ court commissioner ~~of the court~~ assigned to exercise probate

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1 jurisdiction for the county in which the facility is located to determine whether the
2 patient shall remain in the facility as a voluntary patient. If the judge or circuit court
3 commissioner determines that the patient desires to leave the facility, the facility
4 shall discharge the patient. If the facility has reason to believe the patient is eligible
5 for commitment under s. 51.20, the facility may initiate procedures for involuntary
6 commitment.

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

8 51.20 (1) (c) The petition shall contain the names and mailing addresses of the
9 petitioners and their relation to the subject individual, and shall also contain the
10 names and mailing addresses of the individual's spouse, adult children, parents or
11 guardian, custodian, brothers, sisters, person in the place of a parent and person
12 with whom the individual resides or lives. If this information is unknown to the
13 petitioners or inapplicable, the petition shall so state. The petition may be filed in
14 the court assigned to exercise probate jurisdiction for the county where the subject
15 individual is present or the county of the individual's legal residence. If the judge of
16 the court or a circuit court commissioner who handles probate matters is not
17 available, the petition may be filed and the hearing under sub. (7) may be held before
18 a judge or Circuit court commissioner of any circuit court for the county. e
19 purposes of this chapter, duties to be performed by a court shall be carried out by the
20 judge of the court or a circuit court commissioner of the court who is ~~an attorney and~~
21 ~~is~~ designated by the chief judge to so act, in all matters prior to a final hearing under
22 this section. The petition shall contain a clear and concise statement of the facts
23 which constitute probable cause to believe the allegations of the petition. The
24 petition shall be sworn to be true. If a petitioner is not a petitioner having personal

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1 knowledge as provided in par. (b), the petition shall contain a statement providing
2 the basis for his or her belief.

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

4 51.45 (12) (b) (intro.) The physician, spouse, guardian or a relative of the person
5 sought to be committed, or any other responsible person, may petition a circuit court
6 commissioner or the circuit court of the county in which the person sought to be
7 committed resides or is present for commitment under this subsection. The petition
8 shall:

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

10 51.45 (12) (c) (intro.) Upon receipt of a petition under par. (b), the circuit court
11 commissioner or court shall:

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

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

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

20 51.45 (13) (dm) For the purposes of this section, duties to be performed by a
21 court shall be carried out by the judge of such court or a circuit court commissioner
22 of such court who is ~~an attorney and is~~ designated by the chief judge to so act, in all
23 matters prior to a final hearing under this subsection.

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

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1 **59.37 Service when no coroner.** Whenever there is a vacancy in the office
2 of coroner, or when the coroner is absent from the county, sick or unable to perform
3 the duties of that office, or for any reason, except the nonpayment of legal fees,
4 refuses to serve and execute legal process against the sheriff in any action
5 commenced in any court of record within the county for which the coroner was or
6 should have been elected, any judge of a court of record or circuit court commissioner
7 of the county may, on proof of the vacancy, sickness, absence or refusal to serve and
8 execute such process, by an order to be endorsed on such process and addressed to
9 him or her, empower any citizen of the county in which such process is to be served
10 and executed to serve and execute the same; and that order shall be sufficient
11 authority to the person therein named to serve and execute such process with like
12 powers, liabilities and fees as the coroner.

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

15 59.53 (5) (a) The board shall contract with the department of workforce
16 development to implement and administer the child and spousal support and
17 establishment of paternity and the medical support liability programs provided for
18 by Title IV of the federal social security act. The board may designate by board
19 resolution any office, officer, board, department or agency, except the clerk of circuit
20 court, as the county child support agency. The board or county child support agency
21 shall implement and administer the programs in accordance with the contract with
22 the department of workforce development. The attorneys responsible for support
23 enforcement under sub. (6) (a), ~~family circuit court commissioner commissioners~~ and
24 all other county officials shall cooperate with the county and the department of
25 workforce development as necessary to provide the services required under the

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1 programs. The county shall charge the fee established by the department of
2 workforce development under s. 49.22 for services provided under this paragraph to
3 persons not receiving benefits under s. 49.148 or **49.155** or assistance under s.
4 **46.261, 49.19** or 49.47.

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

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

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

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

22 2. The clerk shall file the statements described in subd. 1. in his or her office.
23 Any circuit or sunplemental court commissioner who neglects to make and return the
24 statements within the time prescribed in subd. 1. shall not receive any compensation
25 from the county for any service rendered by him or her in any criminal case or

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1 proceeding during the year next preceding the time when the statement is required
2 to be made and returned.

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

4 59.64 (1) (d) *Of court officers; certification; audit by district attorney; waiver.*
5 (intro.) Fees of officers, in any action or proceeding before a circuit or supplemental
6 court commissioner, shall be certified to and allowed by the board in the following
7 manner:

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

9 59.64 (1) (d) 1. (intro.) At least 10 days before the annual meeting of the board,
10 every circuit and supplemental court commissioner shall make and file with the clerk
11 a certified statement of all actions or proceedings had or tried before him or her
12 within the year next preceding the date of the statement in which the state was a
13 party and in which the county became liable for the fees of officers who appeared on
14 the part of either the state or a defendant. The statement shall include all of the
15 following:

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

17 59.64 (1) (e) *Fees for statements and certificates.* Every circuit or supplemental
18 court commissioner shall receive from the treasurer \$1 per page for making
19 statements and returns required by par. (c) and \$1 for making each certificate
20 required by par. (d). All such statements and certificates shall be transmitted to the
21 clerk by certified mail and for transmitting the statements and certificates the circuit
22 or supplemental court commissioner shall receive \$1.

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

24 59.64 (1) (f) ~~Court~~ Circuit and supplemental court commissioners. The board
25 at any session thereof may as provided in par. (d) 2. examine and allow any

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1 statement, account or claim of any circuit or sunnlemental court commissioner which
2 is on file with the clerk before the opening of the session of the board.

3 **SECTION 56.** 59.64 (1) (g) 4. of the statutes is amended to read:

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

9 **SECTION 57.** 59.79 (5) of the statutes is amended to read:

10 **59.79 (5) FEE FOR CERTAIN MARRIAGE CEREMONIES.** Enactanordinanceimposing
11 a fee to be paid in advance to the clerk for each marriage ceremony performed by a
12 judge or a circuit or supplemental court commissioner specified in s. 765.16 (5) in the
13 courthouse, safety building or children's court center during hours when any office
14 in those public buildings is open for the transaction of business. The amount of the
15 fee shall be determined by the board.

16 **SECTION 58.** 63.03 (2) (z) of the statutes is amended to read:

17 63.03 (2) (z) ~~Full-time~~ Circuit court commissioners under s. 757.68 (1)
18 emnloved on a full-time basis.

19 **SECTION 59.** 69.15 (3m) (a) 3. and 4. of the statutes are amended to read:

20 69.15 (3m) (a) 3. Except as provided in subd. 4, the person rescinding the
21 statement files the document under subd. 2. before the day on which a court or ~~family~~
22 circuit court commissioner makes an order in an action affecting the family involving
23 the man who signed the statement and the child who is the subject of the statement
24 or before 60 days elapse after the statement was filed, whichever occurs first.

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

7 **SECTION 60.** 75.43 of the statutes is amended to read:

8 **75.43 Election to receive deposit; costs.** The county may, at any time
9 within 20 days after receiving an answer showing that a deposit has been made by
10 any defendant or defendants as provided in s. 75.42, give notice to such defendant
11 or defendants that it elects to receive such deposit and that it will, at a time specified
12 in such notice, apply to the clerk of the circuit court, circuit judge or a circuit court
13 commissioner to adjust the costs and disbursements which said defendant or
14 defendants ought to pay, and that upon the payment of the costs and disbursements
15 so adjudged the county will release to such defendant or defendants all right, title
16 and claim which it has to the parcel or parcels of land on account of which ~~such the~~
17 deposit is made by virtue of any deed made for the nonpayment of taxes; and unless
18 ~~such the~~ costs are paid within 20 days after the same shall have been so adjusted the
19 clerk of the court shall, upon presentation of an affidavit showing the nonpayment
20 thereof, enter judgment therefor in favor of the county and against the defendant,
21 which shall be enforced as other money judgments.

22 **SECTION 61.** 101.02 (5) (c) of the statutes is amended to read:

23 101.02 (5) (c) In the discharge of his or her duties such agent shall have every
24 power of an inquisitorial nature granted in this subchapter to the department, the
25 same powers as a supplemental court commissioner with regard to the taking of

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1 depositions and all powers granted by law to a supnlemental court commissioner
2 relative to depositions.

3 **SECTION 62.** 103.005 (5) (c) of the statutes is amended to read:

4 103.005 (5) (c) In the discharge of his or her duties such agent shall have every
5 power of an inquisitorial nature granted in chs. 103 to 106 to the department, the
6 same powers as a supplemental court commissioner with regard to the taking of
7 depositions and all powers granted by law to a supplemental court commissioner
8 relative to depositions.

9 **SECTION 63.** 133.10 (1) of the statutes is amended to read:

10 133.10 (1) The examination of any party, or if a corporation or limited liability
11 company be a party, of the president, secretary, other principal officer or the general
12 managing agent thereof, or of the person who was such president, secretary, officer
13 or agent at the time of the occurrence of the facts made the subject of the
14 examination, or of any person acting for another or for a corporation, limited liability
15 company or partnership, other than as a witness on a trial, may be taken by
16 deposition at the instance of the department of justice in any such action or
17 proceeding at any time between the commencement thereof and final judgment.

18 Such deposition shall be taken within the state before a judge at chambers or a ~~district~~
19 ~~of~~ supnlemental court commissioner on previous notice to such party and any other
20 adverse party or the attorney thereof of at least 5 days, and may be taken without
21 the state.

22 **SECTION 64.** 133.11 (1) of the statutes is amended to read:

23 133.11 (1) Whenever the attorney general files with any supplemental court
24 commissioner a statement that the attorney general has reason to believe and does
25 believe that a violation of this chapter has occurred, the commissioner shall issue a

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1 subpoena or a subpoena requiring the production of materials as requested by the
2 department of justice. Mileage or witness fees are not required to be paid in advance
3 but claims for such mileage and fees duly verified and approved by the department
4 of justice shall be audited and paid out of the state treasury and charged to the
5 appropriation provided by s. 20.455 (1) (d), and shall be at the same rates as
6 witnesses in the circuit court.

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

8 133.11 (3) The supplemental court commissioner shall be entitled to the fees
9 as provided in s. 814.68 (1). All such fees and all other costs and expenses incident
10 to the inquiry shall be paid out of the appropriation provided by s. 20.455 (1) (d).

11 **SECTION 66.** 171.04 (1) of the statutes is amended to read:

12 171.04 (1) If any property delivered to any forwarding merchant, wharfinger
13 or warehouse keeper, for carriage or storage, is in a state of decay or manifestly liable
14 to immediate damage and decay, the person in whose custody the property is, the
15 person's agent or attorney, may make an affidavit of this fact, and present the
16 affidavit to a circuit judge or supplemental court commissioner for the county in
17 which the property is located, and the circuit judge or sunplemental court
18 commissioner shall immediately make an order requiring the sheriff or any
19 constable of the county to immediately inspect the property, and directing him or her,
20 if it is found to be in a state of decay or manifestly liable to immediate damage or
21 decay, to summarily sell the property without notice.

22 **SECTION 67.** 171.04 (2) of the statutes is amended to read:

23 171.04 (2) If the sheriff or constable, upon inspection, finds the property to be
24 in a state of decay, or manifestly liable to immediate damage or decay, the sheriff or
25 constable shall attach to the order his or her affidavit stating such fact, and shall

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1 make an inventory of the property, and shall summarily sell the property without
2 notice, and shall make full return of the sheriff's or constable's execution of the order
3 to the judge or sunnlemental court commissioner who issued the same, together with
4 the sheriff's or constable's affidavit, inventory and the proceeds of said sale, after
5 deducting the sheriff's or constable's fees therefrom.

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

7 171.04 (3) From the proceeds of such sale, the judge or supplemental court
8 commissioner shall pay all legal charges that have been incurred in relation to the
9 property, or a ratable proportion of each charge if the proceeds of the sale are not
10 sufficient to pay all the charges; and the balance, if any, the judge or sunnlemental
11 court commissioner shall immediately pay over to the treasurer of the judge's or
12 commissioner's county, with a copy of all the proceedings in the matter. The county
13 **treasurer** shall file the copy in his or her office.

14 **SECTION 69.** 171.05 of the statutes is amended to read:

15 **171.05 Perishable property, held otherwise, how disposed of.** If any
16 property is perishable or subject to decay by keeping, the person in whose custody
17 the property is, the person's agent or attorney, may make an affidavit of this fact and
18 present the affidavit to a circuit judge or sunnlemental court commissioner for the
19 county in which the property is located, and the judge or sunnlemental court
20 commissioner shall immediately make an order requiring the sheriff or any
21 constable of the county to immediately inspect the property, and if it is found to be
22 perishable or subject to decay by keeping, to make and return an affidavit of this fact.
23 Upon the return of this affidavit, the judge or supplemental court commissioner
24 making the order shall immediately issue an order requiring the sheriff or constable
25 to sell the property at public auction, giving notice of the time and place of the sale

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

18 **SECTION 70.** 171.06 of the statutes is amended to read:

19 **171.06 Unclaimed property, how disposed of.** When any property is not
20 perishable or subject to decay and is not claimed and taken away within one year
21 after it was received, it may be sold as follows: The person in whose custody the
22 property is, or the person's agent or attorney, may make an affidavit of the facts and
23 present the same to a judge or supplemental court commissioner of the county in
24 which the property is located and such judge or sunnlemental court commissioner
25 shall immediately issue an order requiring the sheriff or any constable of the county

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1 to sell the property at public auction, giving 60 days' notice of the time and place of
2 the sale to the consignor, the consignee and the custodian of the property. This notice
3 shall be in writing and served personally or by mail upon the persons whose names
4 and residences are known. If the name or residence of any of the persons is unknown
5 and cannot be ascertained with reasonable diligence, the sheriff or constable shall
6 make an affidavit of this fact and shall publish a class 3 notice, under ch. 985, in the
7 county. At the time and place of the sale the sheriff or constable shall sell the property
8 at public auction and shall make a full return of the sheriff's or constable's
9 proceedings under the order to the judge or supplemental court commissioner
10 issuing the order, together with proof of service or publication of the notice of the sale,
11 and an inventory of the property sold and the proceeds of the sale after deducting the
12 sheriff's or constable's fees. From the proceeds of the sale the judge or supplemental
13 court commissioner shall pay all legal charges that have been incurred in relation
14 to the property, including the charges of the person in whose custody the property
15 was when the proceedings were begun, or a ratable proportion of each charge if the
16 proceeds of the sale are not sufficient to pay all of the charges ~~e, if any,~~
17 ~~the~~ The judge or supplemental court commissioner shall immediately pay any
18 balance remaining over to the treasurer of his or her county, with a copy of all
19 proceedings in the matter. The county treasurer shall file the copy in his or her office.
20 The person in whose custody the property is when any proceeding for the sale is
21 commenced, shall immediately notify the consignor and consignee of the sale, in
22 writing, and served by leaving a copy thereof with the consignor and consignee,
23 personally or by mail.

24 **SECTION 71.** 196.24 (2) of the statutes is amended to read:

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SECTION 71

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

5 **SECTION 72.** 563.71 (1) (a) of the statutes is amended to read:

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

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

15 563.71 **(1)** (c) The sunnlemental court commissioner shall be entitled to the fees
16 under s. 814.68 (1). All such fees and all other costs and expenses incident to such
17 inquiry shall be paid out of the appropriation under s. 20.455 (1) (d).

18 **SECTION 74.** 753.175 of the statutes is repealed.

19 **SECTION 75.** 757.001 of the statutes is created to read:

20 **757.001 Definitions.** In this chapter:

21 **(1)** "Circuit court commissioner" means a person appointed under SCR 75.02
22 (1) and a supplemental court commissioner authorized under SCR 75.02 (3) to the
23 limited extent of that authorization.

24 **(2)** "Supplemental court commissioner" means a person appointed under s.
25 757.675 (1).

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1 **SECTION 76.** 757.01 (4) of the statutes is created to read:

2 757.01 (4) To exercise any of the powers and duties of a circuit court
3 commissioner.

4 **SECTION 77.** 757.24 of the statutes is amended to read:

5 **757.24 Liability of judicial officers.** Circuit judges and circuit and
6 supplemental court commissioners shall be held personally liable to any party
7 injured for any wilful violation of the law in granting injunctions and appointing
8 receivers, or for refusing to hear motions to dissolve injunctions and to discharge
9 receivers if the motions are made in accordance with law or such rules as are
10 promulgated by the supreme court.

11 **SECTION 78.** 757.30 (2) of the statutes is amended to read:

12 757.30 (2) Every person who appears as agent, representative or attorney, for
13 or on behalf of any other person, or any firm, partnership, association or corporation
14 in any action or proceeding in or before any court of record, circuit or supplemental
15 court commissioner, or judicial tribunal of the United States, or of any state, or who
16 otherwise, in or out of court, for compensation or pecuniary reward gives professional
17 legal advice not incidental to his or her usual or ordinary business, or renders any
18 legal service for any other person, or any firm, partnership, association or
19 corporation, shall be deemed to be practicing law within the meaning of this section.

20 **SECTION 79.** 757.675 (title) of the statutes is created to read:

21 757.675 (title) **Supplemental court commissioners.**

22 **SECTION 80.** 757.68 (title) of the statutes is amended to read:

23 757.68 (title) ~~Court~~ **Circuit court commissioners.**

24 **SECTION 81.** 757.68 (1) of the statutes is repealed and recreated to read:

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

14 **SECTION 82.** 757.68 (2) (title) of the statutes is repealed.

15 **SECTION 83.** 757.68 (2) of the statutes is renumbered 757.675 (1) and amended
16 to read:

17 757.675 (1) In each county the circuit judges shall appoint such number of
18 ~~part-time~~ sunplemental court commissioners as the proper transaction of business
19 requires ~~subject to the following exception:~~ except that in counties having a
20 population of 200,000 or more each judge may appoint not more than 2 ~~such~~
21 supplemental court commissioners and in counties having a population of less than
22 200,000 each judge shall, as nearly as possible, appoint an equal number of
23 supplemental court commissioners within the county. In all counties the
24 appointments shall be subject to the approval of a majority of the circuit judges for
25 the county. Appointments shall be in writing and shall be filed in the office of the

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1 clerk of the circuit court. All sunplemental court commissioners appointed after May
2 16, 1978, ~~other than official court reporters acting under s. 814.68 (1)(b) performing~~
3 ~~duties or exercising powers specified for court reporters,~~ shall be attorneys licensed
4 to practice in this state. The appointing judge may remove, at will and without cause,
5 any upplemental court commissioner appointed by the judge or the judge's
6 predecessor in office. Unless he or she is so removed, the term of each supplemental
7 court commissioner shall continue until the expiration of the term of the appointing
8 judge and until the successor of the commissioner is appointed and qualified. Each
9 supplemental court commissioner shall take and file the official oath in the office of
10 clerk of the circuit court of the county for which appointed before performing any
11 duty of the office.

12 SECTION 84. 757.68 (3), (4) and (5) (title) of the statutes are repealed.

13 SECTION 85. 757.68 (5) of the statutes is renumbered 757.675 (6) and amended
14 to read:

15 **757.675 (6)** ~~Part-time~~ Supplemental court commissioners appointed under
16 sub. ~~(2)~~ (1) shall collect the fees prescribed in s. 814.68 (1).

17 SECTION 86. 757.68 (5m) of the statutes is created to read:

18 757.68 **(5m)** In counties having a population of 500,000 or more, the county
19 board shall establish at least one circuit court commissioner position on a full-time
20 basis to assist in small claims matters under ch. 799. In counties having a population
21 of less than 500,000, the county board may establish one *or more* circuit court
22 commissioner positions on a part-time or full-time basis to assist in small claims
23 matters under ch. 799.

24 SECTION 87. 757.68 (6) of the statutes is created to read:

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1 757.68 (6) The county board shall set the salary of persons appointed as circuit
2 court commissioners. The county board shall furnish circuit court commissioners
3 with necessary office space, furnishings, supplies and services.

4 **SECTION 88.** 757.68 (7) of the statutes is created to read:

5 757.68 (7) The chiefjudge of the judicial administrative district may assign law
6 clerks, bailiffs and deputies to a circuit court commissioner. The chief judge shall
7 supervise those law clerks, bailiffs and deputies assigned to the court, except that the
8 chief judge may delegate that authority.

9 **SECTION 89.** 757.69 (title) of the statutes is amended to read:

10 757.69 (title) **Powers and duties of circuit court commissioners.**

11 **SECTION 90.** 757.69 (1) (intro.) of the statutes is repealed and recreated to read:

12 757.69 (1) (intro.) A circuit court commissioner may:

13 **SECTION 91.** 757.69 (1) (b) of the statutes is amended to read:

14 757.69 (1) (b) In criminal matters issue summonses, arrest warrants or search
15 warrants ~~and, determine probable cause to support a warrantless arrest,~~ conduct
16 initial appearances of persons arrested ~~and, set bail to the same extent as a judge.~~
17 ~~At the initial appearance, the court commissioner shall, when necessary, inform the~~
18 defendant in accordance with s. 970.02 (1). ~~If the defendant appears or claims to be~~
19 ~~unable to afford counsel, the court commissioner, in accordance with s. 970.02 (6),~~
20 ~~may and~~ refer the person to the authority for indigency determinations specified
21 under s. 977.07 (1). ~~If the court commissioner is a full-time~~ A circuit court
22 commissioner- employed on a full-time basis may conduct the preliminary
23 examination and arraignment ~~to the same extent as a judge~~ and, with the consent
24 of both the state and the defendant, ~~may~~ accept a guilty plea. If a court refers a

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1 disputed restitution issue under s. 973.20 (13) (c) 4., the circuit court commissioner
2 shall conduct the hearing on the matter in accordance with s. 973.20 (13) (c) 4.

3 **SECTION 92.** 757.69 (1) (g) of the statutes is renumbered 757.69 (1) (g) (intro.)
4 and amended to read:

5 757.69 (1) (g) (intro.) When assigned to ~~the~~ assist a court assigned jurisdiction
6 ~~under chs. 48 and 938, a court commissioner may, under ch. 48 or 938, issue in~~
7 juvenile matters:

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

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

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

12 4. Conduct preliminary appearances. ~~.~~

13 5. Conduct uncontested proceedings under ~~ss. s.~~ 48.13, 48.133, 938.12, 938.13
14 and or 938.18, ~~enter.~~

15 6. Enter into consent decrees & ~~exercise.~~

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

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1 ~~branch of court to which such case has been assigned upon a motion of any party for~~
2 ~~a hearing de novo.~~

3 SECTION 93. 757.69 (1) (g) 8. to ~~14~~^{13.} of the statutes are created to read:

4 757.69 (1) (g) 8. Conduct hearings under s. 48.21 or 938.21 and thereafter order
5 a child or juvenile held in or released from custody.

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

8 10. Conduct plea hearings.

9 ~~11. Enter into consent decrees.~~

10 ~~11.~~ 12. Conduct prehearing conferences.

11 ~~12.~~ 13. Issue orders requiring compliance with deferred prosecution agreements.

12 ~~13.~~ 14. Conduct all proceedings on petitions or citations under s. 938.125.

13 SECTION 94. 757.69 (1) (j) of the statutes is amended to read:

14 757.69 (1) (j) Hold hearings, make findings and issue temporary restraining
15 orders under s. 813.122 or 813.123.

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

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

20 SECTION 96. 757.69 (1) (m) of the statutes is amended to read:

21 757.69 (1) (m) Hold hearings, make findings and issue temporary restraining
22 orders and injunctions under s. 813.12 or 813.125.

23 SECTION 97. 757.69 (1m) of the statutes is created to read:

24 757.69 (1m) Circuit court commissioners assigned to assist a court in juvenile
25 matters shall sit at the children's court center, the usual court facility for juvenile

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1 matters or such other facility designated by the chief judge of the judicial
2 administrative district. Those commissioners may not do any of the following:

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

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

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

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

13 (e) Conduct hearings, make findings or issue orders in proceedings under s.
14 48.977 or 48.978.

15 (f) Conduct waiver hearings under s. 938.18, except as provided in sub. (1) (g)
16 5.

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

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

19 757.69 (2) (intro.) A judge may refer to a circuit court commissioner ~~appointed~~
20 ~~under s. 48.065, 757.68, 757.72, 767.13 or 938.065~~ cases in which:

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

22 757.69 (2) (a) The trial of an issue of fact requires the examination of an
23 account, in which case the circuit court commissioner may be directed to report upon
24 any specific question of fact involved therein.

25 **SECTION 100.** 757.69 (2m) of the statutes is created to read:

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1 757.69 **(2m)** Circuit court commissioners may exercise, under their own
2 authority, all of the powers listed under s. 757.675 (2) to (5).

3 **SECTION 101. 757.69 (3)** of the statutes is renumbered 757.675 (2), and 757.675
4 **(2)** (intro.) and (g), as renumbered, are amended to read:

5 **757.675 (2)** (intro.) ~~Court Supplemental court commissioners appointed under~~
6 ~~s. 48.065, 757.68, 757.72, 767.13, or 938.065~~ may, under their own authority:

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

10 **SECTION 102. 757.69 (4) and (5)** of the statutes are renumbered **757.675 (3)** and
11 (4) and amended to read:

12 757.675 (3) In addition to the duties expressly set forth in sub. ~~(3) (2)~~ (a) to ~~(e)~~
13 (i), a supplemental court commissioner may perform other ministerial duties as
14 required by a court.

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

17 **SECTION 103.** 757.69 (6) of the statutes is repealed.

18 **SECTION 104.** 757.69 (7) of the statutes is renumbered 757.675 (5) and amended
19 to read:

20 **757.675 (5)** A supplemental court commissioner shall refer to a court of record
21 for appropriate action every alleged showing of contempt in the carrying out of the
22 lawful decisions of the sunnlemental court commissioner.

23 **SECTION 105. 757.69 (8)** of the statutes is created to read:

24 757.69 (8) Any decision of a circuit court commissioner shall be reviewed by the
25 judge of the branch of court to which the case has been assigned, upon motion ~~by~~ ^{of} any

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

4 **SECTION 106.** 757.695 of the statutes is repealed.

5 **SECTION 107.** 757.70 (2) of the statutes is amended to read:

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

11 **SECTION 108.** 757.72 (title) of the statutes is repealed.

12 **SECTION 109.** 757.72 (1) of the statutes is renumbered 757.68 (4m) and
13 amended to read:

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

25 **SECTION 110.** 757.72 (2) of the statutes is repealed.

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1 **SECTION 111.** 757.72 (3) of the statutes is repealed.

2 **SECTION 112.** 757.72 (4) of the statutes is repealed.

3 **SECTION 113.** 757.72 (5) of the statutes is renumbered 851.73 (1) (g) and
4 amended to read:

5 851.73 (1) (g) ~~The register in probate of a county shall~~ Shall have the duties and
6 powers of a circuit court commissioner ~~assigned to assist in probate matters~~ and shall
7 act in that capacity when designated to do so by a judge assigned probate jurisdiction.

8 **SECTION 114.** 757.72 (6) of the statutes is repealed.

9 **SECTION 115.** 757.72 (7) of the statutes is repealed.

10 **SECTION 116.** 757.72 (8) of the statutes is repealed.

11 **SECTION 117.** 757.81 (2) of the statutes is repealed.

12 **SECTION 118.** 757.81 (6) of the statutes is amended to read:

13 **757.81 (6)** "Permanent disability" means a physical or mental incapacity which
14 impairs the ability of a judge or circuit or supplemental court commissioner to
15 substantially perform the duties of his ~~or~~ her judicial office and which is or is likely
16 to be of a permanent or continuing nature.

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

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

25 **SECTION 120.** 757.85 (1) (b) of the statutes is amended to read:

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

4 **SECTION 121.** 757.85 (3) of the statutes is amended to read:

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

13 **SECTION 122.** 757.85 (4) of the statutes is amended to read:

14 757.85 (4) The commission may require a judge or circuit or sunnlemental court
15 commissioner who is under investigation for permanent disability to submit to a
16 medical examination arranged by the commission.

17 **SECTION 123.** 757.85 (5) of the statutes is amended to read:

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

25 **SECTION 124.** 757.87 (1) of the statutes is amended to read:

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

10 **SECTION 125.** 757.89 of the statutes is amended to read:

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

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

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

7 **SECTION 127.** 757.93 (1) (b) of the statutes is amended to read:

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

13 **SECTION 128.** 757.93 (2) of the statutes is amended to read:

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

22 **SECTION 129.** 757.93 (4) (a) of the statutes is amended to read:

23 757.93 (4) (a) Referring to the director of state courts information relating to
24 an alleged delay or an alleged temporary disability of a judge or circuit or
25 sunnlemental court commissioner.

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SECTION 130

1 **SECTION 130.** 757.95 of the statutes is amended to read:

2 **757.95 Temporary suspension by supreme** court. The supreme court may,
3 following the filing of a formal complaint or a petition by the commission, prohibit
4 a judge or circuit or supplemental court commissioner from exercising the powers of
5 a judge or circuit or supplemental court commissioner pending final determination
6 of the proceedings.

7 **SECTION 131. 757.99** of the statutes is amended to read:

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

18 **SECTION 132. 765.11 (1)** of the statutes is amended to read:

19 765.11 **(1)** If any parent, grandparent, child, or natural guardian of a minor
20 applicant for a marriage license, any brother, sister or guardian of either of the
21 applicants for a marriage license, either of the applicants, the district attorney or ~~the~~
22 ~~family~~ a circuit court commissioner believes that the statements of the application
23 are false or insufficient, or that the applicants or either of them are incompetent to
24 marry, that person may file with the court having probate jurisdiction in the county
25 in which the marriage license is applied for, a petition under oath, setting forth the

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1 grounds of objection to the marriage and asking for an order requiring the parties
2 making such application to show cause why the marriage license should not be
3 refused. Whereupon, the court, if satisfied that the grounds of objection are prima
4 facie valid, shall issue an order to show cause as aforesaid, returnable as the court
5 directs, but not more than 14 days after the date of the order, which shall be served
6 forthwith upon the applicants for the marriage license residing in the state, and upon
7 the clerk before whom the application has been made, and shall operate as a stay
8 upon the issuance of the marriage license until further ordered; if either or both of
9 the applicants are nonresidents of the state the order shall be served forthwith upon
10 the nonresident by publication of a class 1 notice, under ch. 985, in the county
11 wherein the application is pending, and by mailing a copy thereof to the nonresident
12 at the address contained in the application.

13 **SECTION 133.** 765.11 (2) of the statutes is amended to read:

14 765.11 (2) If, upon hearing, the court finds that the statements in the
15 application are wilfully false or insufficient, or that either or both of said parties are
16 not competent in law to marry, the court shall make an order refusing the marriage
17 license, and shall immediately report such matter to the district attorney. If said
18 falseness or insufficiency is due merely to inadvertence, then the court shall permit
19 the parties to amend the application so as to make the statements therein true and
20 sufficient, and upon application being so amended, the marriage license shall be
21 issued. If any party is unable to supply any of the information required in the
22 application, the court may, if satisfied that such inability is not due to wilfulness or
23 negligence, order the marriage license to be issued notwithstanding such
24 insufficiency. The costs and disbursements of the proceedings under this section

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1 shall rest in the discretion of the court, but none shall be taxed against any district
2 attorney or ~~family circuit~~ court commissioner acting in good faith.

3 **SECTION 134.** 765.16 (5) of the statutes is amended to read:

4 765.16 (5) Any ~~family court commissioner appointed under s. 767.13 or circuit~~
5 court commissioner appointed under SCR 75.02 (1) or sunnlemental court
6 commissioner appointed under s. ~~757.68~~ 757.675 (1).

7 **SECTION 135.** 767.045 (1) (c) (intro.) of the statutes is amended to read:

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

15 **SECTION 136.** 767.081 (title) of the statutes is amended to read:

16 767.081 (title) **Information from the office of family court commissioner.**

17 **SECTION 137.** 767.081 (1) of the statutes is amended to read:

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

22 **SECTION 138.** 767.081 (2) (a) (intro.) of the statutes is amended to read:

23 767.081 (2) (a) (intro.) ~~The family~~ A circuit court commissioner shall, with or
24 without charge, provide the party with written information on the following, as
25 appropriate to the action commenced:

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1 **SECTION 139.** 767.081 (2) (b) of the statutes is amended to read:

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

5 **SECTION 140.** 767.083 (2) of the statutes is amended to read:

6 767.083 (2) An order by the court, after consideration of the recommendation
7 of ~~the family~~ a circuit court commissioner, directing an immediate hearing on the
8 petition for the protection of the health or safety of either of the parties or of any child
9 of the marriage or for other emergency reasons consistent with the policies of this
10 chapter. The court shall upon granting such order specify the grounds therefor.

11 **SECTION 141.** 767.085 (1) (i) of the statutes is amended to read:

12 767.085 (1) (i) If the action is one under s. 767.02 (1) (a), (b), (c), (d), (h) or (i),
13 that during the pendency of the action, without the consent of the other party or an
14 order of the court or ~~family~~ a circuit court commissioner, the parties are prohibited
15 from, and may be held in contempt of court for, encumbering, concealing, damaging,
16 destroying, transferring or otherwise disposing of property owned by either or both
17 of the parties, except in the usual course of business, in order to secure necessities
18 or in order to pay reasonable costs and expenses of the action, including attorney fees.

19 **SECTION 142.** 767.085 (1) (j) (intro.) of the statutes is amended to read:

20 767.085 (1) (j) (intro.) Unless the action is one under s. 767.02 (1) (g) or(h), that
21 during the pendency of the action, the parties are prohibited from, and may be held
22 in contempt of court for, doing any of the following without the consent of the other
23 party or an order of the court or ~~family~~ a circuit court commissioner:

24 **SECTION 143.** 767.085 (3) of the statutes is amended to read:

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1 767.085 (3) **SERVICE.** If only one party initiates the action, the other shall be
2 served under ch. 801 and may serve a response or counterclaim within 20 days after
3 the date of service, except that questions of jurisdiction may be raised at any time
4 prior to judgment. Service shall be made upon the petitioner and upon the ~~family~~
5 circuit court commissioner as provided in s. 767.14, and the original copy of the
6 response shall be filed in court. If the parties together initiate the action with a joint
7 petition, service of summons is not required.

8 **SECTION 144. 767.087 (1) (b)** of the statutes is amended to read:

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

15 **SECTION 145. 767.087 (1) (c)** of the statutes is amended to read:

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

22 **SECTION 146. 767.087 (2)** of the statutes is amended to read:

23 767.087 (2) The prohibitions under sub. (1) shall apply until the action is
24 dismissed, until a final judgment in the action is entered or until the court or ~~family~~
25 a circuit court commissioner orders otherwise.

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1 **SECTION 147.** 767.11 (1) (c) of the statutes is amended to read:

2 767.11 (1) (c) A county or counties may designate a the supervisor of the office
3 of family court commissioner as the director under par. (a) or (b).

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

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

14 **SECTION 149.** 767.11 (5) (b) of the statutes is amended to read:

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

20 **SECTION 150.** 767.11 (5) (c) of the statutes is amended to read:

21 767.11 (5) (c) A person who is awarded periods of physical placement, a child
22 of such a person, a person with visitation rights or a person with physical custody of
23 a child may notify ~~the family~~ a circuit court commissioner of any problem he or she
24 has relating to any of these matters. Upon notification, the ~~family~~ circuit court

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1 commissioner may refer any person involved in the matter to the director of family
2 court counseling services for assistance in resolving the problem.

3 **SECTION 151.** 767.11 (6) of the statutes is amended to read:

4 767.11 (6) **ACTION UPON REFERRAL.** Whenever a court or ~~family~~ family circuit court
5 commissioner refers a party to the director of family court counseling services for
6 possible mediation, the director shall assign a mediator to the case. The mediator
7 shall provide mediation if he or she determines it is appropriate. If the mediator
8 determines mediation is not appropriate, he or she shall so notify the court.
9 Whenever a court or ~~family~~ family circuit court commissioner refers a party to the director
10 of family court counseling services for any other family court counseling service, the
11 director shall take appropriate action to provide the service.

12 **SECTION 152.** 767.11 (7) of the statutes is amended to read:

13 767.11 (7) **PRIVATE MEDIATOR.** The parties to any action affecting the family may,
14 at their own expense, receive mediation services from a mediator other than one who
15 provides services under sub. (3). Parties who receive services from such a mediator
16 shall sign and file with the director of family court counseling services and with the
17 court or ~~family~~ family circuit court commissioner a written notice stating the mediator's
18 name and the date of the first meeting with the mediator.

19 **SECTION 153.** 767.11 (13) of the statutes is amended to read:

20 767.11 (13) **POWERS OF COURT OR ~~FAMILY~~ FAMILY CIRCUIT COURT COMMISSIONER.** Except as
21 provided in sub. (8), referring parties to mediation under this section does not affect
22 the power of the court or ~~family a circuit~~ family a circuit court commissioner to make any necessary
23 order relating to the parties during the course of the mediation.

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

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

7 **SECTION 155.** 767.115 (1) (b) of the statutes is amended to read:

8 767.115 **(1)** (b) At any time during the pendency of an action to determine the
9 paternity of a child, or an action affecting the family for which the underlying action
10 was an action to determine the paternity of a child, if the court or ~~family circuit~~ court
11 commissioner determines that it is appropriate and in the best interest of the child,
12 the court or ~~family circuit~~ court commissioner, on its own motion, may order either
13 or both of the parties to attend a program specified by the court or ~~family circuit~~ court
14 commissioner providing training in parenting or coparenting skills, or both.

15 **SECTION 156.** 767.115 **(1m)** of the statutes is amended to read:

16 767.115 **(1m)** A program under sub. (1) shall be educational rather than
17 therapeutic in nature and may not exceed a total of 4 hours in length. The parties
18 shall be responsible for the cost, if any, of attendance at the program. The court or
19 ~~family circuit~~ court commissioner may specifically assign responsibility for payment
20 of any cost. No facts or information obtained in the course of the program, and no
21 report resulting from the program, is admissible in any action or proceeding.

22 **SECTION 157.** 767.115 (2) of the statutes is amended to read:

23 767.115 (2) Notwithstanding s. 767.07, the court or ~~family circuit~~ court
24 commissioner may require the parties to attend a program under sub. (1) as a

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1 condition to the granting of a final judgment or order in the action affecting the
2 family that is pending before the court or ~~family circuit~~ court commissioner.

3 **SECTION 158.** 767.12 (1) of the statutes is amended to read:

4 767.12 **(1) PROCEEDINGS.** In actions affecting the family, all hearings and trials
5 to determine whether judgment shall be granted, except hearings under s. ~~767.13 (5)~~
6 ~~757.62 (1)(p) 8.~~, shall be before the court l b e t a k e n b y t h e
7 reporter and shall be written out and filed with the record if so ordered by the court.
8 Custody proceedings shall receive priority in being set for hearing.

9 **SECTION 159.** 767.125 of the statutes is amended to read:

10 **767.125 Order for appearance of litigants.** Unless nonresidence in the
11 state is shown by competent evidence, service is by publication, or the court shall for
12 other good cause otherwise order, both parties in actions affecting the family shall
13 be required to appear upon the trial. An order of the court or ~~family a circuit~~ court
14 commissioner to that effect shall accordingly be procured by the moving party, and
15 shall be served upon the nonmoving party before the trial. In the case of a joint
16 petition the order is not required.

17 **SECTION 160.** 767.13 (title) of the statutes is repealed.

18 **SECTION 161.** 767.13 (1) of the statutes is renumbered 757.68 (2m) (a) and
19 amended to read:

20 757.68 **(2m) (a) Counties other than Milwaukee.** 1. 'Appointment.' In each
21 county, except in a county having a population of 500,000 or more, the ~~circuit judges~~
22 ~~for the county, subject to the approval of the chief judge of the judicial administrative~~
23 district, shall, by order filed in the office of the clerk of the circuit court on or before
24 the first Monday of July of each year, appoint ~~some reputable attorney of recognized~~

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1 ~~ability and standing at the bar as the~~ a circuit court commissioner to supervise the
2 office of family court commissioner for the county.

3 2. 'Powers; civil service; oath; temporary appointment; assistants.' The ~~family~~
4 ~~court commissioner, by virtue of the office and to the extent required for the~~
5 ~~performance of the duties, has the powers of a court commissioner.~~ The circuit court
6 commissioner appointed to supervise the office of family court commissioner is in
7 addition to the maximum number of circuit court commissioners permitted by s.
8 757.68 (1). The circuit court commissioner supervising the office of the family court
9 commissioner, or any assistant circuit court commissioner assisting in family
10 matters, may be placed under a county civil service system by resolution of the county
11 board. Before entering upon the discharge of the duties the family court
12 commissioner shall take and file the official oath. The person appointed shall
13 continue to act until a successor is appointed and qualified, except that in the event
14 of disability or extended absence the judges may appoint another reputable attorney
15 to act as temporary family court commissioner. The county board may provide that
16 one or more assistant family court commissioners shall be appointed by the circuit
17 judges for the county, subject to the approval of the circuit court administrative
18 district. An assistant family court commissioner shall have the same
19 qualifications as the commissioner and shall take and file the official oath.

20 SECTION 162. 767.13 (2) (title) of the statutes is repealed.

21 SECTION 163. 767.13 (2) (a) of the statutes is renumbered 757.68 (2m) (b) and
22 amended to read:

23 **757.68 (2m) (b)** ~~Appointment; assistants; civil service~~ **Milwaukee County.** In
24 counties having a population of 500,000 or more, there is created in the classified civil
25 service a circuit court commissioner position to supervise the office of family court

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1 commissioner and such additional ~~assistant family circuit court commissioners~~
2 commissioner positions as the county board shall determine and authorize+&
3 Circuit court commissioners shall be appointed ~~from the membership of the bar~~
4 ~~residing in the county~~ to these positions by the chief judge of the judicial
5 administrative district under ~~ss. 63.01 to 63.17~~ SCR 75.02 (1).

6 **SECTION 164.** 767.13 (2) (b), (3) and (4) of the statutes are repealed.

7 **SECTION 165.** 767.13 (5) (title) and (a) (title) of the statutes are repealed.

8 **SECTION 166.** 767.13 (5) (a) of the statutes is renumbered 757.69 (1) (p) and
9 amended to read:

10 **757.69 (1) (p)** ~~On authority delegated by a judge, which may be by a standard~~
11 ~~order, and with the approval of the chief judge of the judicial administrative district,~~
12 a family When assigned to assist in matters affecting the family:

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

24 **SECTION 167.** 767.13 (5) (b) (title) of the statutes is repealed.