

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: **05/6/99**

Received By: **nelsorp1**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Zabawa**

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Courts - costs and fees**

Extra Copies:

Pre Topic:

LFB:.....Zabawa -

Topic:

Exempt parties filing an action to terminate parental rights or to adopt a child from the payment of court filing fees

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	nelsorp1 05/6/99	gilfokm 05/6/99	jfrantze 05/7/99	_____	lrb_docadmin 05/7/99		

FE Sent For:

<END>

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/1	nelsorp1	<i>1-5-6-99 Kmg</i>	<i>8/7</i>	<i>8/7 RM 5/1</i>			

FE Sent For:

<END>

CIRCUIT COURTS

Exempt Filing Fee for Termination of Parental Rights and Adoption Cases

Motion:

Move to exempt parties filing an action in termination of parental rights and adoption cases from the requirement to pay a filing fee.

Note:

This motion would exempt all parties that file termination of parental rights (TPR) or adoption actions from paying a filing fee for those actions. Under current law, a filing fee of \$75 is charged when a party commences a civil action in circuit court. A \$40 circuit court support fee and a \$7 justice information fee is also assessed, bringing the total cost for filing a civil action to \$122. In Milwaukee County only, an additional \$2 special prosecution clerks fee is assessed to fund certain clerk positions in the Milwaukee County District Attorney's office.

Until 1998, very few counties charged a civil court filing fee to parties filing for a TPR or an adoption proceeding. On March 31, 1998, the Attorney General issued an informal opinion stating that filing fees for TPR and adoption actions are not specifically excluded from the general filing fee requirement for civil actions and, therefore, should be charged. On June 1, 1998, the Director of State Courts sent a copy of the Attorney General's informal opinion to all circuit court judges, clerks of circuit court, registers in probate and juvenile clerks for their information. As a result, some counties, but not all, began assessing fees on the parties commencing these actions. According to the Director of State Courts Office, 34 counties are assessing filing fees for both TPRs and adoptions and five counties are assessing filing fees for TPR cases only.

The party that is assessed the fee could be a person adopting a child, an agency arranging a private adoption or the county district attorney or corporation counsel.

Of the \$122 filing fee, counties retain \$30, \$71 is deposited to the general fund as GPR-Earned and the remaining \$21 is deposited to program revenue appropriations for circuit court and district attorney automation. Limited information on TPR and adoption filing fee revenues is available; however, it is estimated that \$87,700 annually is deposited to the general fund as GPR-Earned and \$25,900 annually is deposited as program revenue. However, collection of these fees was not assumed in the 1999-01 revenue projections under the bill. Therefore, the fiscal effect of this motion is \$0.

Motion #664

	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
MO#	Burke	Decker	Jauch	Moore	Shibiski	Plache	Cowles	Panzer	Gard	Porter	Kaufert	Albers	Duff	Ward	Huber	Riley			

16-0



508a (5/6)
State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0247/1

RPN...
king

LFB:.....Zabawa – Exempt parties filing an action to terminate parental rights or to adopt a child from the payment of court filing fees

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 1317, line 15: after that line insert:

3 (3) "SECTION 3095ⁿ. 814.61 (1) (c) 4. of the statutes is created to read:

4 814.61 (1) (c) 4. An action to terminate parental rights under subch. VIII of
5 ch. 48.

6 (6) ✓ SECTION 3095^p. 814.61 (1) (c) 5. of the statutes is created to read:

7 814.61 (1) (c) 5. An action for adoption under subch. XIX of ch. 48."

8 ✓ 2. Page 1448, line 3: ^{(1) before} after that line insert:

9 (1W) "FEES FOR TERMINATION OF PARENTAL RIGHTS ACTIONS. The treatment of
10 section 814.61 (1) (c) 4. of the statutes first applies to actions commenced on the
11 effective date of this ~~section~~ subsection

①

1 (4) FEES FOR ADOPTION ACTIONS. The treatment of sections 814.61 (1) (c) 5. of
2 the statutes first applies to actions commenced on the effective date of this ~~section~~.

3 (END)

subsection



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0247/1
RPN:kmg:jf

LFB:.....Zabawa – Exempt parties filing an action to terminate parental rights or to adopt a child from the payment of court filing fees

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