

Gov Agency: Circuit Courts

Recommendations:

Paper No. No LFB papers available for standard budget adjustments.

Comments:

Since this is a Governor's agency, no affirmative action is required.

Prepared by: Deb

motions
Decker
Albers - single filing fee
Kaufert

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.

MO#

BURKE	Y	N	A
DECKER	Y	N	A
JAUCH	X	N	A
MOORE	X	N	A
SHIBILSKI	X	N	A
PLACHE	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A
GARD	X	N	A
PORTER	X	N	A
KAUFERT	X	N	A
ALBERS	X	N	A
DUFF	X	N	A
WARD	X	N	A
HUBER	X	N	A
RILEY	Y	N	A

AYE 16 NO 0 ABS 0

CIRCUIT COURTS

Family Court Counseling Fee

Motion:

Move to increase the fee charged for legal custody and physical placement study services from \$300 to \$500.

Note:

Currently, a county or two or more contiguous counties are statutorily required to provide legal custody and physical placement study services in family court actions. These studies may be ordered whenever legal custody or physical placement of a minor child is contested and mediation is not used or does not result in agreement between the parties, or at any other time the court considers it appropriate. The study includes investigating the condition of the child's home, each party's performance of parental duties and responsibilities of the child, and any other matter relevant to the best interest of the child. The county determines when and how to collect the \$300 fee for the study, and the fee is deposited into a separate county account for the exclusive purpose of providing mediation services and studies in family court actions. This motion would increase the statutory fee to \$500.

MO# _____

BURKE	Y	N	A
DECKER	Y	N	A
JAUCH	Y	N	A
MOORE	Y	N	A
SHIBILSKI	Y	N	A
PLACHE	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A
GARD	Y	N	A
PORTER	Y	N	A
KAUFERT	Y	N	A
ALBERS	Y	N	A
DUFF	Y	N	A
WARD	Y	N	A
HUBER	Y	N	A
RILEY	Y	N	A

AYE 11 NO 5 ABS _____

CIRCUIT COURTS

LFB Summary Item for Which No Issue Paper Has Been Prepared

<u>Item #</u>	<u>Title</u>
1	Standard Budget Adjustments

LFB Summary Item for Introduction as Separate Legislation

<u>Item #</u>	<u>Title</u>
3	Increase in Recoverable Civil Action Costs