

BILL HISTORY FOR ASSEMBLY BILL 354 (LRB -0375)

An Act to repeal 19.01 (4) (c) 2., 48.065 (title), 48.065 (2) to (4), 753.175, 757.68 (2) (title), 757.68 (3), (4) and (5) (title), 757.69 (6), 757.695, 757.72 (title), 757.72 (2), 757.72 (3), 757.72 (4), 757.72 (6), 757.72 (7), 757.72 (8), 757.81 (2), 767.13 (title), 767.13 (2) (title), 767.13 (2) (b), (3) and (4), 767.13 (5) (title) and (a) (title), 767.13 (5) (b) (title), 767.13 (5) (c) (title), 767.13 (6), 767.13 (7) (title), 767.17 and 938.065; to renumber and amend 48.065 (1), 757.68 (2), 757.68 (5), 757.69 (1) (g), 757.69 (3), 757.69 (4) and (5), 757.69 (7), 757.72 (1), 757.72 (5), 767.13 (1), 767.13 (2) (a), 767.13 (5) (a), 767.13 (5) (b), 767.13 (5) (c) and 767.13 (7); to amend 13.24 (1), 19.01 (4) (c) 1., 19.01 (4) (c) 4., 40.08 (9m), 46.03 (3), 48.06 (1) (a) 2., 48.208 (4), 48.21 (1) (a), 48.21 (1) (b), 48.21 (4) (intro.), 48.21 (7), 48.213 (1) (a), 48.213 (1) (b), 48.213 (3) (intro.), 48.213 (6), 48.227 (4) (a), 48.30 (9), 48.32 (1), 48.32 (1b), 48.32 (2) (a), 48.32 (6), 49.852 (3), 49.854 (2) (c), 49.854 (3) (ag) 2., 49.854 (3) (ar), 49.854 (3) (b), 49.854 (5) (f), 49.854 (6) (c), 49.854 (7) (c), 49.854 (7m), 49.855 (3), 49.855 (4m) (h), 49.856 (4), 49.857 (2) (c) 1., 49.857 (3) (ac), 49.857 (3) (ar), 49.858 (3), 51.10 (4m) (d), 51.20 (1) (c), 51.45 (12) (b) (intro.), 51.45 (12) (c) (intro.), 51.45 (12) (c) 1., 51.45 (13) (dm), 59.37, 59.40 (2) (j), 59.53 (5) (a), 59.64 (1) (c) (title), 1. (intro.) and 2., 59.64 (1) (d) (intro.), 59.64 (1) (d) 1. (intro.), 59.64 (1) (d) 1m. (form), 59.64 (1) (e), 59.64 (1) (f), 59.64 (1) (g) 4., 59.79 (5), 63.03 (2) (z), 69.15 (3m) (a) 3. and 4., 75.43, 101.02 (5) (c), 103.005 (5) (c), 133.10 (1), 133.11 (1), 133.11 (3), 171.04 (1), 171.04 (2), 171.04 (3), 171.05, 171.06, 196.24 (2), 196.675 (3), 563.71 (1) (a), 563.71 (1) (c), 757.23, 757.24, 757.30 (2), 757.68 (title), 757.69 (title), 757.69 (1) (b), 757.69 (1) (j), 757.69 (1) (m), 757.69 (2) (intro.), 757.69 (2) (a), 757.70 (2), 757.81 (6), 757.85 (1) (a), 757.85 (1) (b), 757.85 (3), 757.85 (4), 757.85 (5), 757.87 (1), 757.89, 757.93 (1) (a), 757.93 (1) (b), 757.93 (2), 757.93 (4) (a), 757.95, 757.99, 765.11 (1), 765.11 (2), 765.16 (5), 767.045 (1) (c) (intro.), 767.081 (title), 767.081 (1), 767.081 (2) (a) (intro.), 767.081 (2) (b), 767.083 (2), 767.085 (1) (i), 767.085 (1) (j) (intro.), 767.085 (3), 767.087 (1) (b), 767.087 (1) (c), 767.087 (2), 767.11 (1) (c), 767.11 (5) (a), 767.11 (5) (b), 767.11 (5) (c), 767.11 (6), 767.11 (7), 767.11 (13), 767.115 (1) (a), 767.115 (1) (b), 767.115 (1m), 767.115 (2), 767.115 (4) (a), 767.115 (4) (b), 767.115 (4) (c) 2., 767.12 (1), 767.125, 767.14, 767.145 (1), 767.15 (1), 767.16, 767.23 (1) (intro.), 767.23 (1) (a), 767.23 (1) (am), 767.23 (1m), 767.23 (1n), 767.242 (3) (b), 767.242 (3) (c), 767.242 (5) (a), 767.242 (5) (b) (intro.), 767.242 (5) (b) 2. c., 767.242 (5) (c), 767.242 (5) (d), 767.242 (6) (a), 767.247, 767.25 (4m) (f) 2., 767.265 (1), 767.265 (2h), 767.265 (2m) (b), 767.265 (2r), 767.267 (1), 767.267 (5), 767.27 (2), 767.29 (title), 767.29 (1) (c), 767.29 (1) (d), 767.29 (1) (e), 767.29 (1m) (b), 767.29 (3) (a), 767.29 (3) (b), 767.293 (1), 767.293 (2), 767.293 (3), 767.32 (1) (a), 767.327 (2) (c), 767.33 (2), 767.37 (1) (a), 767.37 (2), 767.45 (5) (b), 767.455 (5) (form), 767.458 (1m), 767.46 (1), 767.463, 767.465 (2) (a), 767.62 (2) (b), 767.62 (3) (b), 767.62 (4) (intro.), 769.102, 769.302, 782.01 (3), 782.03, 782.28, 799.03, 799.05 (7) (intro.), 799.06 (1), 799.11 (3), 799.20 (4), 799.206 (1), (2) and (4), 799.207 (title), 799.207 (1) (a), 799.207 (1) (b), 799.207 (1) (e), 799.207 (2) (intro.), 799.207 (3) (b), 799.209 (1) to (4), 799.21 (3) (b), 799.21 (4), 799.24 (1), 799.24 (3), 799.26 (1), 803.01 (3) (b) 1., 807.02, 807.04 (1), 807.09 (1), 812.30 (2), 813.025 (1), 813.12 (2) (a), 813.12 (2) (b), 813.12 (3) (a), 813.12 (3) (am), 813.12 (3) (c), 813.12 (3) (d), 813.12 (4) (a) (intro.), 813.12 (4) (a) 3., 813.12 (4) (am), 813.12 (4) (b), 813.12 (4m) (a) 2., 813.12 (4m) (b) (intro.), 813.12 (4m) (b) 2., 813.12 (5) (c), 813.12 (6) (a), 813.12 (7m), 813.122 (3) (a), 813.122 (3) (b) (intro.), 813.122 (3) (bm), 813.122 (4) (a) (intro.), 813.122 (4) (a) 1., 813.122 (4) (a) 2., 813.122 (5m) (a) 2., 813.122 (5m) (b) (intro.), 813.122 (5m) (b) 2., 813.122 (9) (a), 813.123 (3) (a), 813.123 (3) (b) (intro.), 813.123 (4) (a), 813.123 (8) (a), 813.125 (3) (a) (intro.), 813.125 (3) (a) 2., 813.125 (3) (c), 813.125 (4) (a) (intro.), 813.125 (4) (a) 2., 813.125 (4) (a) 3., 813.125 (4m) (a), 813.125 (4m) (c) 2., 813.125 (4m) (d) (intro.), 813.125 (4m) (d) 2., 813.125 (5) (am), 814.615 (3), 814.68 (title), 814.68 (1) (intro.), 814.68 (1) (a), 814.68 (1) (b) (intro.), 814.68 (1) (b) 1., 814.68 (2), 816.03 (1) (b), 816.035 (1) and (2), 818.02 (6), 879.61, 885.10, 885.12, 887.26 (7), 898.02, 898.04, 898.11, 906.15 (1), 906.15 (2) (d), 906.15 (3), 911.01 (1), 938.06 (1) (a) 2., 938.208 (4), 938.21 (1) (a), 938.21 (1) (b), 938.21 (2) (c), 938.21 (4) (intro.), 938.21 (4m), 938.21 (7), 938.30 (9), 938.32 (1) (a), 938.32 (1d), 938.32 (1g) (intro.), 938.32 (1m) (intro.) and (a), 938.32 (1t) (a) 1., 938.32 (1t) (a) 1m., 938.32 (1t) (a) 3., 938.32 (1v), 938.32 (1x), 938.32 (2) (a), 938.32 (6), 940.203 (1) (b), 943.013 (1) (b), 946.495, 967.07, 971.20 (3) (a), 973.20 (13) (c) 4., 977.05 (6) (b) 2., 979.05 (1), 979.05 (3), 979.05 (4), 979.05 (5), 979.05 (6), 979.06 (1), 979.06 (2), 979.06 (3), 979.06 (4) (intro.), 979.06 (5), 979.08 (1), 979.08 (3) (intro.), 979.08 (6), 979.08 (7) and 979.09; to repeal and recreate 17.16 (1), 757.68 (1), 757.69 (1) (intro.), 757.69 (1) (k) and 979.05 (2); 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 13., 757.69 (1m), 757.69 (2m) and 757.69 (8) of the statutes; relating to: powers, responsibilities, and appointment of court commissioners.

2001

04-24.	A.	Introduced by Representative Gundrum .	
04-24.	A.	Read first time and referred to committee on Judiciary	200
05-31.	A.	Public hearing held.	
09-27.	A.	Executive action taken.	
10-02.	A.	Report passage recommended by committee on Judiciary, Ayes 8, Noes 0	405
10-02.	A.	Referred to committee on Rules	405
10-30.	A.	Placed on calendar 11-1-2001 by committee on Rules.	
11-01.	A.	Read a second time	503
11-01.	A.	Ordered to a third reading	503
11-01.	A.	Rules suspended	503
11-01.	A.	Read a third time and passed	503
11-01.	A.	Ordered immediately messaged	503
11-06.	S.	Received from Assembly	448
11-06.	S.	Read first time and referred to committee on Judiciary, Consumer Affairs, and Campaign Finance Reform	449
12-18.	S.	Public hearing held.	

2002

02-13.	S.	Executive action taken.	
02-20.	S.	Report concurrence recommended by committee on Judiciary, Consumer Affairs, and Campaign Finance Reform, Ayes 5, Noes 0	573
02-20.	S.	Available for scheduling.	
03-11.	S.	Placed on calendar 3-12-2002 by committee on Senate Organization.	
03-12.	S.	Read a second time.	

- 03-12. S. Ordered to a third reading.
- 03-12. S. Rules suspended.
- 03-12. S. Read a third time and **concurred in.**
- 03-12. S. Ordered immediately messaged.
- 03-14. A. Received from Senate concurred in.

**2001
ENROLLED BILL**

01en AB-354

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

01-0375 1

Amendments to above (if none, write "NONE"): none

Corrections - show date (if none, write "NONE"): none

Topic Cont Commissioner

3/13/02 [Signature]
Date Enrolling Drafter

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2001 ASSEMBLY BILL 354

April 24, 2001 - Introduced by Representative GUNDRUM. Referred to Committee on Judiciary.

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

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1 49.857 (3) (ar), 49.858 (3), 51.10 (4m) (d), 51.20 (1) (c), 51.45 (12) (b) (intro.),
2 51.45 (12) (c) (intro.), 51.45 (12) (c) 1., 51.45 (13) (dm), 59.37, 59.40 (2) (j), 59.53
3 (5) (a), 59.64 (1) (c) (title), 1. (intro.) and 2., 59.64 (1) (d) (intro.), 59.64 (1) (d) 1.
4 (intro.), 59.64 (1) (d) 1m. (form), 59.64 (1) (e), 59.64 (1) (f), 59.64 (1) (g) 4., 59.79
5 (5), 63.03 (2) (z), 69.15 (3m) (a) 3. and 4., 75.43, 101.02 (5) (c), 103.005 (5) (c),
6 133.10 (1), 133.11 (1), 133.11 (3), 171.04 (1), 171.04 (2), 171.04 (3), 171.05,
7 171.06, 196.24 (2), 196.675 (3), 563.71 (1) (a), 563.71 (1) (c), 757.23, 757.24,
8 757.30 (2), 757.68 (title), 757.69 (title), 757.69 (1) (b), 757.69 (1) (j), 757.69 (1)
9 (m), 757.69 (2) (intro.), 757.69 (2) (a), 757.70 (2), 757.81 (6), 757.85 (1) (a), 757.85
10 (1) (b), 757.85 (3), 757.85 (4), 757.85 (5), 757.87 (1), 757.89, 757.93 (1) (a), 757.93
11 (1) (b), 757.93 (2), 757.93 (4) (a), 757.95, 757.99, 765.11 (1), 765.11 (2), 765.16
12 (5), 767.045 (1) (c) (intro.), 767.081 (title), 767.081 (1), 767.081 (2) (a) (intro.),
13 767.081 (2) (b), 767.083 (2), 767.085 (1) (i), 767.085 (1) (j) (intro.), 767.085 (3),
14 767.087 (1) (b), 767.087 (1) (c), 767.087 (2), 767.11 (1) (c), 767.11 (5) (a), 767.11
15 (5) (b), 767.11 (5) (c), 767.11 (6), 767.11 (7), 767.11 (13), 767.115 (1) (a), 767.115
16 (1) (b), 767.115 (1m), 767.115 (2), 767.115 (4) (a), 767.115 (4) (b), 767.115 (4) (c)
17 2., 767.12 (1), 767.125, 767.14, 767.145 (1), 767.15 (1), 767.16, 767.23 (1) (intro.),
18 767.23 (1) (a), 767.23 (1) (am), 767.23 (1m), 767.23 (1n), 767.242 (3) (b), 767.242
19 (3) (c), 767.242 (5) (a), 767.242 (5) (b) (intro.), 767.242 (5) (b) 2. c., 767.242 (5)
20 (c), 767.242 (5) (d), 767.242 (6) (a), 767.247, 767.25 (4m) (f) 2., 767.265 (1),
21 767.265 (2h), 767.265 (2m) (b), 767.265 (2r), 767.267 (1), 767.267 (5), 767.27 (2),
22 767.29 (title), 767.29 (1) (c), 767.29 (1) (d), 767.29 (1) (e), 767.29 (1m) (b), 767.29
23 (3) (a), 767.29 (3) (b), 767.293 (1), 767.293 (2), 767.293 (3), 767.32 (1) (a), 767.327
24 (2) (c), 767.33 (2), 767.37 (1) (a), 767.37 (2), 767.45 (5) (b), 767.455 (5) (form),
25 767.458 (1m), 767.46 (1), 767.463, 767.465 (2) (a), 767.62 (2) (b), 767.62 (3) (b),

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1 767.62 (4) (intro.), 769.102, 769.302, 782.01 (3), 782.03, 782.28, 799.03, 799.05
2 (7) (intro.), 799.06 (1), 799.11 (3), 799.20 (4), 799.206 (1), (2) and (4), 799.207
3 (title), 799.207 (1) (a), 799.207 (1) (b), 799.207 (1) (e), 799.207 (2) (intro.),
4 799.207 (3) (b), 799.209 (1) to (4), 799.21 (3) (b), 799.21 (4), 799.24 (1), 799.24
5 (3), 799.26 (1), 803.01 (3) (b) 1., 807.02, 807.04 (1), 807.09 (1), 812.30 (2), 813.025
6 (1), 813.12 (2) (a), 813.12 (2) (b), 813.12 (3) (a), 813.12 (3) (am), 813.12 (3) (c),
7 813.12 (3) (d), 813.12 (4) (a) (intro.), 813.12 (4) (a) 3., 813.12 (4) (am), 813.12 (4)
8 (b), 813.12 (4m) (a) 2., 813.12 (4m) (b) (intro.), 813.12 (4m) (b) 2., 813.12 (5) (c),
9 813.12 (6) (a), 813.12 (7m), 813.122 (3) (a), 813.122 (3) (b) (intro.), 813.122 (3)
10 (bm), 813.122 (4) (a) (intro.), 813.122 (4) (a) 1., 813.122 (4) (a) 2., 813.122 (5m)
11 (a) 2., 813.122 (5m) (b) (intro.), 813.122 (5m) (b) 2., 813.122 (9) (a), 813.123 (3)
12 (a), 813.123 (3) (b) (intro.), 813.123 (4) (a), 813.123 (8) (a), 813.125 (3) (a) (intro.),
13 813.125 (3) (a) 2., 813.125 (3) (c), 813.125 (4) (a) (intro.), 813.125 (4) (a) 2.,
14 813.125 (4) (a) 3., 813.125 (4m) (a), 813.125 (4m) (c) 2., 813.125 (4m) (d) (intro.),
15 813.125 (4m) (d) 2., 813.125 (5) (am), 814.615 (3), 814.68 (title), 814.68 (1)
16 (intro.), 814.68 (1) (a), 814.68 (1) (b) (intro.), 814.68 (1) (b) 1., 814.68 (2), 816.03
17 (1) (b), 816.035 (1) and (2), 818.02 (6), 879.61, 885.10, 885.12, 887.26 (7), 898.02,
18 898.04, 898.11, 906.15 (1), 906.15 (2) (d), 906.15 (3), 911.01 (1), 938.06 (1) (a) 2.,
19 938.208 (4), 938.21 (1) (a), 938.21 (1) (b), 938.21 (2) (c), 938.21 (4) (intro.), 938.21
20 (4m), 938.21 (7), 938.30 (9), 938.32 (1) (a), 938.32 (1d), 938.32 (1g) (intro.),
21 938.32 (1m) (intro.) and (a), 938.32 (1t) (a) 1., 938.32 (1t) (a) 1m., 938.32 (1t) (a)
22 3., 938.32 (1v), 938.32 (1x), 938.32 (2) (a), 938.32 (6), 940.203 (1) (b), 943.013 (1)
23 (b), 946.495, 967.07, 971.20 (3) (a), 973.20 (13) (c) 4., 977.05 (6) (b) 2., 979.05 (1),
24 979.05 (3), 979.05 (4), 979.05 (5), 979.05 (6), 979.06 (1), 979.06 (2), 979.06 (3),
25 979.06 (4) (intro.), 979.06 (5), 979.08 (1), 979.08 (3) (intro.), 979.08 (6), 979.08

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1 (7) and 979.09; **to repeal and recreate** 17.16 (1), 757.68 (1), 757.69 (1) (intro.),
2 757.69 (1) (k) and 979.05 (2); and **to create** 757.001, 757.01 (4), 757.675 (title),
3 757.68 (5m), 757.68 (6), 757.68 (7), 757.69 (1) (g) 8. to 13., 757.69 (1m), 757.69
4 (2m) and 757.69 (8) of the statutes; **relating to:** powers, responsibilities, and
5 appointment of court commissioners.

Analysis by the Legislative Reference Bureau

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

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

This bill consolidates all of the powers and duties of court commissioners into one chapter of the statutes and codifies chapter 75 of the supreme court rules related to the appointment and authority of court commissioners. The bill creates two types of court commissioners, circuit court commissioners and supplemental court commissioners, and gives the chief judge of the judicial administrative district the power to appoint the circuit 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

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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:

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) 1. of the statutes is amended to read:

15 19.01 (4) (c) 1. All circuit and supplemental court commissioners.

16 **SECTION 4.** 19.01 (4) (c) 2. of the statutes is repealed.

17 **SECTION 5.** 19.01 (4) (c) 4. of the statutes is amended to read:

18 19.01 (4) (c) 4. All judges or judicial officers, not included in subds. 1. ~~to~~ and
19 3., elected or appointed for that county, or whose jurisdiction is limited to that county.

20 **SECTION 6.** 40.08 (9m) of the statutes is amended to read:

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

8 **SECTION 7.** 46.03 (3) of the statutes is amended to read:

9 46.03 (3) TRUSTEE DUTY. Take and hold in trust, whenever it considers
10 acceptance advantageous, all property transferred to the state to be applied to any
11 specified purpose, use or benefit pertaining to any of the institutions under its control
12 or the inmates thereof, and apply the same in accordance with the trust; and when
13 ordered by the court, act as trustee of funds paid for the support of any child if
14 appointed by the court or ~~family~~ a circuit court commissioner under s. 767.475 (7).

15 **SECTION 8.** 48.06 (1) (a) 2. of the statutes is amended to read:

16 48.06 (1) (a) 2. The chief judge of the judicial administrative district shall
17 formulate written judicial policy governing intake and court services for child
18 welfare matters under this chapter and the department shall be charged with
19 executing the judicial policy. The chief judge shall direct and supervise the work of
20 all personnel of the court, except the work of the district attorney or corporation
21 counsel assigned to the court. ~~The chief judge may delegate his or her supervisory~~
22 ~~functions under s. 48.065 (1).~~

23 **SECTION 9.** 48.065 (title) of the statutes is repealed.

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

1 757.68 (3m) The board of supervisors of any county may ~~authorize the chief~~
2 ~~judge of the judicial administrative district to appoint~~ establish one or more circuit
3 court commissioner positions on a part-time or full-time juvenile court
4 commissioners who basis to assist in matters affecting juveniles. A circuit court
5 commissioner under this subsection shall serve at the discretion of the chief judge.
6 ~~A juvenile court commissioner shall be licensed to practice law in this state and shall~~
7 ~~have been so licensed for at least 2 years immediately prior to appointment and shall~~
8 ~~have a demonstrated interest in the welfare of children and unborn children. The~~
9 ~~chief judge may assign law clerks, bailiffs and deputies to the court commissioner.~~
10 ~~The chief judge shall supervise juvenile court commissioners, law clerks, bailiffs and~~
11 ~~deputies, except that the chief judge may delegate any of those duties.~~

12 **SECTION 11.** 48.065 (2) to (4) of the statutes are repealed.

13 **SECTION 12.** 48.208 (4) of the statutes is amended to read:

14 48.208 (4) Probable cause exists to believe that the child, having been placed
15 in nonsecure custody by an intake worker under s. 48.207 (1) or by the judge or
16 juvenile a circuit court commissioner under s. 48.21 (4), has run away or committed
17 a delinquent act and no other suitable alternative exists.

18 **SECTION 13.** 48.21 (1) (a) of the statutes is amended to read:

19 48.21 (1) (a) If a child who has been taken into custody is not released under
20 s. 48.20, a hearing to determine whether the child shall continue to be held in custody
21 under the criteria of ss. 48.205 to 48.209 shall be conducted by the judge or juvenile
22 a circuit court commissioner within 48 hours of the time the decision to hold the child
23 was made, excluding Saturdays, Sundays and legal holidays. By the time of the
24 hearing a petition under s. 48.25 shall be filed, except that no petition need be filed
25 where a child is taken into custody under s. 48.19 (1) (b) or (d) 2. or 7. or where the

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

7 **SECTION 14.** 48.21 (1) (b) of the statutes is amended to read:

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

1 may be granted only once for any petition. In the event of failure to file a petition
2 within the extension period provided for in this paragraph, the judge or juvenile
3 circuit court commissioner shall order the child's immediate release from custody.

4 **SECTION 15.** 48.21 (4) (intro.) of the statutes is amended to read:

5 48.21 (4) CONTINUATION OF CUSTODY. (intro.) If the judge or juvenile circuit court
6 commissioner finds that the child should be continued in custody under the criteria
7 of s. 48.205, he or she shall enter one of the following orders:

8 **SECTION 16.** 48.21 (7) of the statutes is amended to read:

9 48.21 (7) INFORMAL DISPOSITION. If the judge or juvenile circuit court
10 commissioner determines that the best interests of the child and the public are
11 served or, in the case of a child expectant mother who has been taken into custody
12 under s. 48.19 (1) (cm) or (d) 8., that the best interests of the unborn child and the
13 public are served, he or she may enter a consent decree under s. 48.32 or order the
14 petition dismissed and refer the matter to the intake worker for informal disposition
15 in accordance with s. 48.245.

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

17 48.213 (1) (a) If an adult expectant mother of an unborn child who has been
18 taken into custody is not released under s. 48.203, a hearing to determine whether
19 the adult expectant mother shall continue to be held in custody under the criteria of
20 s. 48.205 (1m) shall be conducted by the judge or juvenile a circuit court
21 commissioner within 48 hours after the time that the decision to hold the adult
22 expectant mother was made, excluding Saturdays, Sundays and legal holidays. By
23 the time of the hearing a petition under s. 48.25 shall be filed, except that no petition
24 need be filed when an adult expectant mother is taken into custody under s. 48.193
25 (1) (b) or (d) 1. or 3., in which case a written statement of the reasons for holding the

1 adult expectant mother in custody shall be substituted if the petition is not filed. If
2 no hearing has been held within those 48 hours, excluding Saturdays, Sundays and
3 legal holidays, or if no petition or statement has been filed at the time of the hearing,
4 the adult expectant mother shall be released except as provided in par. (b).

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

6 48.213 (1) (b) If no petition has been filed by the time of the hearing, an adult
7 expectant mother of an unborn child may be held in custody with the approval of the
8 judge or ~~juvenile~~ circuit court commissioner for an additional 72 hours after the time
9 of the hearing, excluding Saturdays, Sundays and legal holidays, only if, as a result
10 of the facts brought forth at the hearing, the judge or ~~juvenile~~ circuit court
11 commissioner determines that probable cause exists to believe that there is a
12 substantial risk that if the adult expectant mother is not held, the physical health
13 of the unborn child, and of the child when born, will be seriously affected or
14 endangered by the adult expectant mother's habitual lack of self-control in the use
15 of alcohol beverages, controlled substances or controlled substance analogs,
16 exhibited to a severe degree, and to believe that the adult expectant mother is
17 refusing or has refused to accept any alcohol or other drug abuse services offered to
18 her or is not making or has not made a good faith effort to participate in any alcohol
19 or other drug abuse services offered to her. The extension may be granted only once
20 for any petition. In the event of failure to file a petition within the extension period
21 provided for in this paragraph, the judge or ~~juvenile~~ circuit court commissioner shall
22 order the adult expectant mother's immediate release from custody.

23 **SECTION 19.** 48.213 (3) (intro.) of the statutes is amended to read:

24 48.213 (3) CONTINUATION OF CUSTODY. (intro.) If the judge or ~~juvenile~~ circuit
25 court commissioner finds that the adult expectant mother should be continued in

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1 custody under the criteria of s. 48.205 (1m), the judge or juvenile circuit court
2 commissioner shall enter one of the following orders:

3 **SECTION 20.** 48.213 (6) of the statutes is amended to read:

4 48.213 (6) INFORMAL DISPOSITION. If the judge or juvenile circuit court
5 commissioner determines that the best interests of the unborn child and the public
6 are served, the judge or juvenile circuit court commissioner may enter a consent
7 decree under s. 48.32 or order the petition dismissed and refer the matter to the
8 intake worker for informal disposition in accordance with s. 48.245.

9 **SECTION 21.** 48.227 (4) (a) of the statutes is amended to read:

10 48.227 (4) (a) If the child's parent, guardian or legal custodian does not consent
11 to the temporary care and housing of the child at the runaway home as provided
12 under sub. (2) or (3), a hearing shall be held on the issue by the judge or juvenile a
13 circuit court commissioner within 24 hours of the time that the child entered the
14 runaway home, excluding Saturdays, Sundays and legal holidays. The intake
15 worker shall notify the child and the child's parent, guardian or legal custodian of
16 the time, place and purpose of the hearing.

17 **SECTION 22.** 48.30 (9) of the statutes is amended to read:

18 48.30 (9) If a circuit court commissioner conducts the plea hearing and accepts
19 an admission of the alleged facts in a petition brought under s. 48.13 or 48.133, the
20 judge shall review the admission at the beginning of the dispositional hearing by
21 addressing the parties and making the inquiries set forth in sub. (8).

22 **SECTION 23.** 48.32 (1) of the statutes is amended to read:

23 48.32 (1) At any time after the filing of a petition for a proceeding relating to
24 s. 48.13 or 48.133 and before the entry of judgment, the judge or juvenile a circuit
25 court commissioner may suspend the proceedings and place the child or expectant

1 mother under supervision in the home or present placement of the child or expectant
2 mother. The court may establish terms and conditions applicable to the child and the
3 child's parent, guardian or legal custodian, to the child expectant mother and her
4 parent, guardian or legal custodian or to the adult expectant mother, including the
5 condition specified in sub. (1b). The order under this section shall be known as a
6 consent decree and must be agreed to by the child if 12 years of age or older, the
7 parent, guardian or legal custodian, and the person filing the petition under s. 48.25;
8 by the child expectant mother, her parent, guardian or legal custodian, the unborn
9 child by the unborn child's guardian ad litem and the person filing the petition under
10 s. 48.25; or by the adult expectant mother, the unborn child by the unborn child's
11 guardian ad litem and the person filing the petition under s. 48.25. The consent
12 decree shall be reduced to writing and given to the parties.

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

14 48.32 (1b) The judge or ~~juvenile~~ a circuit court commissioner may, as a
15 condition under sub. (1), request a court-appointed special advocate program to
16 designate a court-appointed special advocate for the child to perform the activities
17 specified in s. 48.236 (3) that are authorized in the memorandum of understanding
18 under s. 48.07 (5) (a). A court-appointed special advocate designated under this
19 subsection shall have the authority specified in s. 48.236 (4) that is authorized in the
20 memorandum of understanding under s. 48.07 (5) (a).

21 **SECTION 25.** 48.32 (2) (a) of the statutes is amended to read:

22 48.32 (2) (a) A consent decree shall remain in effect up to 6 months unless the
23 child, parent, guardian, legal custodian or expectant mother is discharged sooner by
24 the judge or ~~juvenile~~ circuit court commissioner.

25 **SECTION 26.** 48.32 (6) of the statutes is amended to read:

1 48.32 (6) The judge or ~~juvenile~~ circuit court commissioner shall inform the child
2 and the child's parent, guardian or legal custodian, or the adult expectant mother,
3 in writing, of the right of the child or expectant mother to object to the continuation
4 of the consent decree under sub. (3) and the fact that the hearing under which the
5 child or expectant mother was placed on supervision may be continued to conclusion
6 as if the consent decree had never been entered.

7 **SECTION 27.** 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 employee 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
21 employee trust funds, the retirement system of any 1st class city, any retirement
22 system established under chapter 201, laws of 1937, or the administrator of any
23 other pension plan, whichever is appropriate, to withhold the amount from any lump
24 sum payment from a pension plan that may be paid the person.

25 **SECTION 28.** 49.854 (2) (c) of the statutes is amended to read:

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. The department 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 29.** 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 30.** 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 31.** 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 32.** 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

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 33. 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

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 34.** 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.

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 35.** 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 36.** 49.855 (3) of the statutes is amended to read:

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

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

6 **SECTION 37.** 49.855 (4m) (b) of the statutes is amended to read:

7 49.855 (4m) (b) The department of revenue may provide a certification that it
8 receives under sub. (1), (2m) or (2p) to the department of administration. Upon
9 receipt of the certification, the department of administration shall determine
10 whether the obligor is a vendor or is receiving any other payments from this state,
11 except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s.
12 45.351 (1), this chapter or ch. 46, 108 or 301. If the department of administration
13 determines that the obligor is a vendor or is receiving payments from this state,
14 except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s.
15 45.351 (1), this chapter or ch. 46, 108 or 301, it shall begin to withhold the amount
16 certified from those payments and shall notify the obligor that the state intends to
17 reduce any payments due the obligor by the amount the obligor is delinquent under
18 the support or maintenance order, by the outstanding amount for past support,
19 medical expenses or birth expenses under the court order or by the amount due under
20 s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days after receipt
21 of the notice the obligor may request a hearing before the circuit court rendering the
22 order. An obligor may, within 20 days after receiving notice, request a hearing under
23 this paragraph. Within 10 days after receiving a request for hearing under this
24 paragraph, the court shall set the matter for hearing. ~~The family~~ A circuit court
25 commissioner may conduct the hearing. Pending further order by the court or ~~family~~

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

6 **SECTION 38.** 49.856 (4) of the statutes is amended to read:

7 49.856 (4) If the obligor requests a hearing under sub. (3) (b), the circuit court
8 shall schedule a hearing within 10 business days after receiving the request. The
9 only issue at the hearing shall be whether the person owes the delinquent payment
10 or outstanding amount specified in the statewide support lien docket under s. 49.854
11 (2) (b). A ~~family~~ circuit court commissioner may conduct the hearing.

12 **SECTION 39.** 49.857 (2) (c) 1. of the statutes is amended to read:

13 49.857 (2) (c) 1. The system shall provide for adequate notice to an individual
14 who is delinquent in making court-ordered payments of support, an opportunity for
15 the individual to make alternative arrangements for paying the delinquent support,
16 an opportunity for the individual to request and obtain a hearing before a court or
17 ~~family~~ circuit court commissioner as provided in sub. (3) and prompt reinstatement
18 of the individual's license upon payment of the delinquent support or upon making
19 satisfactory alternative payment arrangements.

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

21 49.857 (3) (ac) 1. If an individual timely requests a hearing under par. (a) 5.,
22 the court shall schedule a hearing within 10 business days after receiving the
23 request. ~~The family~~ A circuit court commissioner may conduct the hearing. The only
24 issues at the hearing shall be whether the individual is delinquent in making
25 court-ordered payments of support and whether any alternative payment

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1 arrangement offered by the department of workforce development or the county child
2 support agency is reasonable.

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

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

16 **SECTION 41.** 49.857 (3) (ar) of the statutes is amended to read:

17 49.857 (3) (ar) 1. If an individual timely requests a hearing under par. (am) 5.,
18 the court shall schedule a hearing within 10 business days after receiving the
19 request. ~~The family~~ A circuit court commissioner may conduct the hearing. The only
20 issues at the hearing shall be whether the individual is delinquent in making
21 court-ordered payments of support and whether any alternative payment
22 arrangement offered by the department of workforce development or the county child
23 support agency is reasonable.

24 2. If at a hearing under subd. 1. the court or ~~family~~ circuit court commissioner
25 finds that the individual does not owe delinquent support, or if within 20 business

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1 days after receiving a notice under par. (am) the individual pays the delinquent
2 amount in full or makes satisfactory alternative payment arrangements, the
3 department of workforce development shall remove the individual's name from the
4 certification list.

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

12 **SECTION 42.** 49.858 (3) of the statutes is amended to read:

13 49.858 (3) **REVIEW OF FAMILY CIRCUIT COURT COMMISSIONER DECISIONS.** If a family
14 circuit court commissioner conducts a hearing in any administrative support
15 enforcement proceeding under s. 49.852, 49.856 or 49.857, the department of
16 workforce development or the obligor may, within 15 business days after the date
17 that the family circuit court commissioner makes his or her decision, request review
18 of the decision by the court with jurisdiction over the matter.

19 **SECTION 43.** 51.10 (4m) (d) of the statutes is amended to read:

20 51.10 (4m) (d) If a patient admitted under par. (a) 1. has not signed a voluntary
21 admission application within 7 days after admission, the patient, the guardian ad
22 litem and the physician who signed the admission request shall appear before the
23 judge or a circuit court commissioner ~~of the court~~ assigned to exercise probate
24 jurisdiction for the county in which the facility is located to determine whether the
25 patient shall remain in the facility as a voluntary patient. If the judge or circuit court

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1 commissioner determines that the patient desires to leave the facility, the facility
2 shall discharge the patient. If the facility has reason to believe the patient is eligible
3 for commitment under s. 51.20, the facility may initiate procedures for involuntary
4 commitment.

5 **SECTION 44.** 51.20 (1) (c) of the statutes is amended to read:

6 51.20 (1) (c) The petition shall contain the names and mailing addresses of the
7 petitioners and their relation to the subject individual, and shall also contain the
8 names and mailing addresses of the individual's spouse, adult children, parents or
9 guardian, custodian, brothers, sisters, person in the place of a parent and person
10 with whom the individual resides or lives. If this information is unknown to the
11 petitioners or inapplicable, the petition shall so state. The petition may be filed in
12 the court assigned to exercise probate jurisdiction for the county where the subject
13 individual is present or the county of the individual's legal residence. If the judge of
14 the court or a circuit court commissioner who handles probate matters is not
15 available, the petition may be filed and the hearing under sub. (7) may be held before
16 a judge or circuit court commissioner of any circuit court for the county. For the
17 purposes of this chapter, duties to be performed by a court shall be carried out by the
18 judge of the court or a circuit court commissioner of the court who is an attorney and
19 is designated by the chief judge to so act, in all matters prior to a final hearing under
20 this section. The petition shall contain a clear and concise statement of the facts
21 which constitute probable cause to believe the allegations of the petition. The
22 petition shall be sworn to be true. If a petitioner is not a petitioner having personal
23 knowledge as provided in par. (b), the petition shall contain a statement providing
24 the basis for his or her belief.

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

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1 51.45 (12) (b) (intro.) The physician, spouse, guardian or a relative of the person
2 sought to be committed, or any other responsible person, may petition a circuit court
3 commissioner or the circuit court of the county in which the person sought to be
4 committed resides or is present for commitment under this subsection. The petition
5 shall:

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

7 51.45 (12) (c) (intro.) Upon receipt of a petition under par. (b), the circuit court
8 commissioner or court shall:

9 **SECTION 47.** 51.45 (12) (c) 1. of the statutes is amended to read:

10 51.45 (12) (c) 1. Determine whether the petition and supporting affidavits
11 sustain the grounds for commitment and dismiss the petition if the grounds for
12 commitment are not sustained thereby. If the grounds for commitment are sustained
13 by the petition and supporting affidavits, the court or circuit court commissioner
14 shall issue an order temporarily committing the person to the custody of the county
15 department pending the outcome of the preliminary hearing under sub. (13) (d).

16 **SECTION 48.** 51.45 (13) (dm) of the statutes is amended to read:

17 51.45 (13) (dm) For the purposes of this section, duties to be performed by a
18 court shall be carried out by the judge of such court or a circuit court commissioner
19 of such court who is ~~an attorney and~~ is designated by the chief judge to so act, in all
20 matters prior to a final hearing under this subsection.

21 **SECTION 49.** 59.37 of the statutes is amended to read:

22 **59.37 Service when no coroner.** Whenever there is a vacancy in the office
23 of coroner, or when the coroner is absent from the county, sick or unable to perform
24 the duties of that office, or for any reason, except the nonpayment of legal fees,
25 refuses to serve and execute legal process against the sheriff in any action

1 commenced in any court of record within the county for which the coroner was or
2 should have been elected, any judge of a court of record or circuit court commissioner
3 of the county may, on proof of the vacancy, sickness, absence or refusal to serve and
4 execute such process, by an order to be endorsed on such process and addressed to
5 him or her, empower any citizen of the county in which such process is to be served
6 and executed to serve and execute the same; and that order shall be sufficient
7 authority to the person therein named to serve and execute such process with like
8 powers, liabilities and fees as the coroner.

9 **SECTION 50.** 59.40 (2) (j) of the statutes is amended to read:

10 59.40 (2) (j) Keep a record called registers of officials and write or copy in the
11 record in tabular form the names of circuit and supplemental court commissioners,
12 deputy sheriffs, notaries public and municipal judges. The clerk shall list the
13 officers' names, the dates of their qualification and the commencement and
14 termination, if any, of their terms. The names shall be in alphabetical order or there
15 shall be an index in alphabetical order to the names.

16 **SECTION 51.** 59.53 (5) (a) of the statutes is amended to read:

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

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1 all other county officials shall cooperate with the county and the department of
2 workforce development as necessary to provide the services required under the
3 programs. The county shall charge the fee established by the department of
4 workforce development under s. 49.22 for services provided under this paragraph to
5 persons not receiving benefits under s. 49.148 or 49.155 or assistance under s.
6 46.261, 49.19 or 49.47.

7 **SECTION 52.** 59.64 (1) (c) (title), 1. (intro.) and 2. of the statutes are amended
8 to read:

9 59.64 (1) (c) (title) *Of circuit and supplemental court commissioners.* 1. (intro.)
10 ~~Court~~ Circuit and supplemental court commissioners shall, on or before the first
11 Monday of November in each year, forward to the clerk of their respective counties
12 a correct statement of all actions or proceedings had before them, during the
13 immediately preceding year, in which the county became liable for costs. The
14 statement shall include all of the following:

15 2. The clerk shall file the statements described in subd. 1. in his or her office.
16 Any circuit or supplemental court commissioner who neglects to make and return the
17 statements within the time prescribed in subd. 1. shall not receive any compensation
18 from the county for any service rendered by him or her in any criminal case or
19 proceeding during the year next preceding the time when the statement is required
20 to be made and returned.

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

22 59.64 (1) (d) *Of court officers; certification; audit by district attorney; waiver.*
23 (intro.) Fees of officers, in any action or proceeding before a circuit or supplemental
24 court commissioner, shall be certified to and allowed by the board in the following
25 manner:

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

2 59.64 (1) (d) 1. (intro.) At least 10 days before the annual meeting of the board,
3 every circuit and supplemental court commissioner shall make and file with the clerk
4 a certified statement of all actions or proceedings had or tried before him or her
5 within the year next preceding the date of the statement in which the state was a
6 party and in which the county became liable for the fees of officers who appeared on
7 the part of either the state or a defendant. The statement shall include all of the
8 following:

9 **SECTION 55.** 59.64 (1) (d) 1m. (form) of the statutes is amended to read:

10 59.64 (1) (d) 1m. (form)

11 STATE OF WISCONSIN

12 v.

13

14 IN CIRCUIT COURT FOR COUNTY

15 Complaint for

16 Before, Circuit or Supplemental Court Commissioner.

17 Heard the day of,(year)

18 To the County Board of County:

19 I hereby certify that in the foregoing entitled action the following named
20 persons rendered services and attended before me in the capacity stated. I further
21 certify that the following named persons are severally entitled to the amounts
22 specified below for services, attendance and travel, that the services were actually
23 and necessarily rendered, and that the action was prosecuted in good faith:

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

4 Dated this day of, (year)

5 **SECTION 56.** 59.64 (1) (e) of the statutes is amended to read:

6 59.64 (1) (e) *Fees for statements and certificates.* Every circuit or supplemental
7 court commissioner shall receive from the treasurer \$1 per page for making
8 statements and returns required by par. (c) and \$1 for making each certificate
9 required by par. (d). All such statements and certificates shall be transmitted to the
10 clerk by certified mail and for transmitting the statements and certificates the circuit
11 or supplemental court commissioner shall receive \$1.

12 **SECTION 57.** 59.64 (1) (f) of the statutes is amended to read:

13 59.64 (1) (f) *Court ~~Circuit~~ Circuit and supplemental court commissioners.* The board
14 at any session thereof may as provided in par. (d) 2. examine and allow any
15 statement, account or claim of any circuit or supplemental court commissioner which
16 is on file with the clerk before the opening of the session of the board.

17 **SECTION 58.** 59.64 (1) (g) 4. of the statutes is amended to read:

18 59.64 (1) (g) 4. Any judge or circuit or supplemental court commissioner, juror,
19 witness, interpreter, attorney, guardian ad litem or recipient of transcript fees who
20 makes, signs or endorses any such certificate or order which is untrue in respect to
21 anything material, which he or she knows to be false, or which he or she does not have
22 good reason to believe is true, shall be punished as provided in s. 946.12.

23 **SECTION 59.** 59.79 (5) of the statutes is amended to read:

24 59.79 (5) **FEE FOR CERTAIN MARRIAGE CEREMONIES.** Enact an ordinance imposing
25 a fee to be paid in advance to the clerk for each marriage ceremony performed by a

1 judge or a circuit or supplemental court commissioner specified in s. 765.16 (5) in the
2 courthouse, safety building or children's court center during hours when any office
3 in those public buildings is open for the transaction of business. The amount of the
4 fee shall be determined by the board.

5 **SECTION 60.** 63.03 (2) (z) of the statutes is amended to read:

6 63.03 (2) (z) ~~Full-time~~ Circuit court commissioners under s. 757.68 (1)
7 employed on a full-time basis.

8 **SECTION 61.** 69.15 (3m) (a) 3. and 4. of the statutes are amended to read:

9 69.15 (3m) (a) 3. Except as provided in subd. 4, the person rescinding the
10 statement files the document under subd. 2. before the day on which a court or ~~family~~
11 circuit court commissioner makes an order in an action affecting the family involving
12 the man who signed the statement and the child who is the subject of the statement
13 or before 60 days elapse after the statement was filed, whichever occurs first.

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

20 **SECTION 62.** 75.43 of the statutes is amended to read:

21 **75.43 Election to receive deposit; costs.** The county may, at any time
22 within 20 days after receiving an answer showing that a deposit has been made by
23 any defendant or defendants as provided in s. 75.42, give notice to such defendant
24 or defendants that it elects to receive such deposit and that it will, at a time specified
25 in such notice, apply to the clerk of the circuit court, circuit judge or a circuit court

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1 commissioner to adjust the costs and disbursements which said defendant or
2 defendants ought to pay, and that upon the payment of the costs and disbursements
3 so adjudged the county will release to such defendant or defendants all right, title
4 and claim which it has to the parcel or parcels of land on account of which ~~such~~ the
5 deposit is made by virtue of any deed made for the nonpayment of taxes; and unless
6 ~~such~~ the costs are paid within 20 days after the same shall have been so adjusted the
7 clerk of the court shall, upon presentation of an affidavit showing the nonpayment
8 thereof, enter judgment therefor in favor of the county and against the defendant,
9 which shall be enforced as other money judgments.

10 **SECTION 63.** 101.02 (5) (c) of the statutes is amended to read:

11 101.02 (5) (c) In the discharge of his or her duties such agent shall have every
12 power of an inquisitorial nature granted in this subchapter to the department, the
13 same powers as a supplemental court commissioner with regard to the taking of
14 depositions and all powers granted by law to a supplemental court commissioner
15 relative to depositions.

16 **SECTION 64.** 103.005 (5) (c) of the statutes is amended to read:

17 103.005 (5) (c) In the discharge of his or her duties such agent shall have every
18 power of an inquisitorial nature granted in chs. 103 to 106 to the department, the
19 same powers as a supplemental court commissioner with regard to the taking of
20 depositions and all powers granted by law to a supplemental court commissioner
21 relative to depositions.

22 **SECTION 65.** 133.10 (1) of the statutes is amended to read:

23 133.10 (1) The examination of any party, or if a corporation or limited liability
24 company be a party, of the president, secretary, other principal officer or the general
25 managing agent thereof, or of the person who was such president, secretary, officer

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1 or agent at the time of the occurrence of the facts made the subject of the
2 examination, or of any person acting for another or for a corporation, limited liability
3 company or partnership, other than as a witness on a trial, may be taken by
4 deposition at the instance of the department of justice in any such action or
5 proceeding at any time between the commencement thereof and final judgment.
6 Such deposition shall be taken within the state before a judge at chambers or a
7 supplemental court commissioner on previous notice to such party and any other
8 adverse party or the attorney thereof of at least 5 days, and may be taken without
9 the state.

10 **SECTION 66.** 133.11 (1) of the statutes is amended to read:

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

20 **SECTION 67.** 133.11 (3) of the statutes is amended to read:

21 133.11 (3) The supplemental court commissioner shall be entitled to the fees
22 as provided in s. 814.68 (1). All such fees and all other costs and expenses incident
23 to the inquiry shall be paid out of the appropriation provided by s. 20.455 (1) (d).

24 **SECTION 68.** 171.04 (1) of the statutes is amended to read:

1 171.04 (1) If any property delivered to any forwarding merchant, wharfinger
2 or warehouse keeper, for carriage or storage, is in a state of decay or manifestly liable
3 to immediate damage and decay, the person in whose custody the property is, the
4 person's agent or attorney, may make an affidavit of this fact, and present the
5 affidavit to a circuit judge or supplemental court commissioner for the county in
6 which the property is located, and the circuit judge or supplemental court
7 commissioner shall immediately make an order requiring the sheriff or any
8 constable of the county to immediately inspect the property, and directing him or her,
9 if it is found to be in a state of decay or manifestly liable to immediate damage or
10 decay, to summarily sell the property without notice.

11 **SECTION 69.** 171.04 (2) of the statutes is amended to read:

12 171.04 (2) If the sheriff or constable, upon inspection, finds the property to be
13 in a state of decay, or manifestly liable to immediate damage or decay, the sheriff or
14 constable shall attach to the order his or her affidavit stating such fact, and shall
15 make an inventory of the property, and shall summarily sell the property without
16 notice, and shall make full return of the sheriff's or constable's execution of the order
17 to the judge or supplemental court commissioner who issued the same, together with
18 the sheriff's or constable's affidavit, inventory and the proceeds of said sale, after
19 deducting the sheriff's or constable's fees therefrom.

20 **SECTION 70.** 171.04 (3) of the statutes is amended to read:

21 171.04 (3) From the proceeds of such sale, the judge or supplemental court
22 commissioner shall pay all legal charges that have been incurred in relation to the
23 property, or a ratable proportion of each charge if the proceeds of the sale are not
24 sufficient to pay all the charges; and the balance, if any, the judge or supplemental
25 court commissioner shall immediately pay over to the treasurer of the judge's or

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1 commissioner's county, with a copy of all the proceedings in the matter. The county
2 treasurer shall file the copy in his or her office.

3 **SECTION 71.** 171.05 of the statutes is amended to read:

4 **171.05 Perishable property, held otherwise, how disposed of.** If any
5 property is perishable or subject to decay by keeping, the person in whose custody
6 the property is, the person's agent or attorney, may make an affidavit of this fact and
7 present the affidavit to a circuit judge or supplemental court commissioner for the
8 county in which the property is located, and the judge or supplemental court
9 commissioner shall immediately make an order requiring the sheriff or any
10 constable of the county to immediately inspect the property, and if it is found to be
11 perishable or subject to decay by keeping, to make and return an affidavit of this fact.
12 Upon the return of this affidavit, the judge or supplemental court commissioner
13 making the order shall immediately issue an order requiring the sheriff or constable
14 to sell the property at public auction, giving notice of the time and place of the sale
15 by publication of a class 1 notice, under ch. 985, and serving upon the consignor, the
16 consignee and the custodian of the property, if they are known, a copy of the notice
17 by mail. The sheriff or constable shall, at the time and place fixed by the notice,
18 unless the property has been otherwise lawfully disposed of, sell the property at
19 public auction, and shall make full return of his or her execution of the order, and
20 return the same with an inventory of the property and the proceeds of the sale, after
21 deducting his or her fees, to the judge or supplemental court commissioner making
22 the order. From the proceeds of the sale, the judge or supplemental court
23 commissioner shall pay all legal charges that have been incurred in relation to the
24 property, or a ratable proportion of each charge, if the proceeds of the sale are not
25 sufficient to pay all the charges; and the balance, if any, the judge or supplemental

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1 court commissioner shall immediately pay over to the treasurer of the county, with
2 a copy of all the proceedings in the matter. The county treasurer shall file the copy
3 in his or her office. The person in whose custody the property is when the proceedings
4 for the sale were commenced, shall immediately notify the consignor and consignee
5 of the sale, in writing which shall be served by leaving a copy with the consignor and
6 consignee personally or by mail.

7 **SECTION 72.** 171.06 of the statutes is amended to read:

8 **171.06 Unclaimed property, how disposed of.** When any property is not
9 perishable or subject to decay and is not claimed and taken away within one year
10 after it was received, it may be sold as follows: The person in whose custody the
11 property is, or the person's agent or attorney, may make an affidavit of the facts and
12 present the same to a judge or supplemental court commissioner of the county in
13 which the property is located and such judge or supplemental court commissioner
14 shall immediately issue an order requiring the sheriff or any constable of the county
15 to sell the property at public auction, giving 60 days' notice of the time and place of
16 the sale to the consignor, the consignee and the custodian of the property. This notice
17 shall be in writing and served personally or by mail upon the persons whose names
18 and residences are known. If the name or residence of any of the persons is unknown
19 and cannot be ascertained with reasonable diligence, the sheriff or constable shall
20 make an affidavit of this fact and shall publish a class 3 notice, under ch. 985, in the
21 county. At the time and place of the sale the sheriff or constable shall sell the property
22 at public auction and shall make a full return of the sheriff's or constable's
23 proceedings under the order to the judge or supplemental court commissioner
24 issuing the order, together with proof of service or publication of the notice of the sale,
25 and an inventory of the property sold and the proceeds of the sale after deducting the

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1 sheriff's or constable's fees. From the proceeds of the sale the judge or supplemental
2 court commissioner shall pay all legal charges that have been incurred in relation
3 to the property, including the charges of the person in whose custody the property
4 was when the proceedings were begun, or a ratable proportion of each charge if the
5 proceeds of the sale are not sufficient to pay all of the charges; ~~and the balance, if any,~~
6 ~~the.~~ The judge or supplemental court commissioner shall immediately pay any
7 balance remaining over to the treasurer of his or her county, with a copy of all
8 proceedings in the matter. The county treasurer shall file the copy in his or her office.
9 The person in whose custody the property is when any proceeding for the sale is
10 commenced, shall immediately notify the consignor and consignee of the sale, in
11 writing, and served by leaving a copy thereof with the consignor and consignee,
12 personally or by mail.

13 **SECTION 73.** 196.24 (2) of the statutes is amended to read:

14 196.24 (2) In the discharge of his or her duties, an agent appointed under sub.
15 (1) shall have any inquisitional power granted to the commission and the power of
16 a supplemental court commissioner to take depositions under s. ~~757.69 (9)~~ 757.675
17 (2) (b).

18 **SECTION 74.** 196.675 (3) of the statutes is amended to read:

19 196.675 (3) This section does not apply to circuit or supplemental court
20 commissioners.

21 **SECTION 75.** 563.71 (1) (a) of the statutes is amended to read:

22 563.71 (1) (a) Whenever the attorney general files with a circuit or
23 supplemental court commissioner a statement that the attorney general believes
24 that a violation of this chapter has occurred, the commissioner shall issue a subpoena
25 for any person requested or named by the attorney general. Mileage and witness fees

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1 need not be paid in advance, but only verified claims for mileage and fees which are
2 approved by the attorney general shall be paid out of the state treasury and charged
3 to the appropriation under s. 20.455 (1) (d) and shall be the same rates as those paid
4 witnesses in circuit court.

5 **SECTION 76.** 563.71 (1) (c) of the statutes is amended to read:

6 563.71 (1) (c) The supplemental court commissioner shall be entitled to the fees
7 under s. 814.68 (1). All such fees and all other costs and expenses incident to such
8 inquiry shall be paid out of the appropriation under s. 20.455 (1) (d).

9 **SECTION 77.** 753.175 of the statutes is repealed.

10 **SECTION 78.** 757.001 of the statutes is created to read:

11 **757.001 Definitions.** In this chapter:

12 (1) "Circuit court commissioner" means a person appointed under SCR 75.02
13 (1) and a supplemental court commissioner authorized under SCR 75.02 (3) to the
14 limited extent of that authorization.

15 (2) "Supplemental court commissioner" means a person appointed under s.
16 757.675 (1).

17 **SECTION 79.** 757.01 (4) of the statutes is created to read:

18 757.01 (4) To exercise any of the powers and duties of a circuit court
19 commissioner.

20 **SECTION 80.** 757.23 of the statutes is amended to read:

21 **757.23 Court commissioner, when disqualified.** A municipal court
22 ~~commissioner, a circuit, or supplemental~~ court commissioner, or any judge acting as
23 a court commissioner, shall not act or take part in the decision of, or make any order
24 in any matter or proceeding in which he or she is a party, or in which his or her rights
25 would be in any manner affected by his or her decision or order thereon, or in which

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1 he or she is interested, or in which his or her law partner, or any person connected
2 with him or her as employer, employee or clerk, or in the law business in any manner,
3 shall be interested or appear as a party, agent, attorney or counsel. Any municipal
4 ~~court commissioner, circuit, or supplemental~~ court commissioner or judge, acting as
5 a court commissioner, violating this section shall forfeit \$25 for each violation, and
6 shall also be subject to removal from office.

7 **SECTION 81.** 757.24 of the statutes is amended to read:

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

14 **SECTION 82.** 757.30 (2) of the statutes is amended to read:

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

23 **SECTION 83.** 757.675 (title) of the statutes is created to read:

24 **757.675 (title) Supplemental court commissioners.**

25 **SECTION 84.** 757.68 (title) of the statutes is amended to read:

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1 **757.68** (title) **Court Circuit court commissioners.**

2 **SECTION 85.** 757.68 (1) of the statutes is repealed and recreated to read:

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

16 **SECTION 86.** 757.68 (2) (title) of the statutes is repealed.

17 **SECTION 87.** 757.68 (2) of the statutes is renumbered 757.675 (1) and amended
18 to read:

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

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

14 **SECTION 88.** 757.68 (3), (4) and (5) (title) of the statutes are repealed.

15 **SECTION 89.** 757.68 (5) of the statutes is renumbered 757.675 (6) and amended
16 to read:

17 757.675 (6) ~~Part-time~~ Supplemental court commissioners appointed under
18 sub. (2) (1) shall collect the fees prescribed in s. 814.68 (1).

19 **SECTION 90.** 757.68 (5m) of the statutes is created to read:

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

1 **SECTION 91.** 757.68 (6) of the statutes is created to read:

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

5 **SECTION 92.** 757.68 (7) of the statutes is created to read:

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

10 **SECTION 93.** 757.69 (title) of the statutes is amended to read:

11 **757.69 (title) Powers and duties of circuit court commissioners.**

12 **SECTION 94.** 757.69 (1) (intro.) of the statutes is repealed and recreated to read:

13 757.69 (1) (intro.) A circuit court commissioner may:

14 **SECTION 95.** 757.69 (1) (b) of the statutes is amended to read:

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

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 ~~and 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 97.** 757.69 (1) (g) 8. to 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. Conduct prehearing conferences.

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

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

12 **SECTION 98.** 757.69 (1) (j) of the statutes is amended to read:

13 757.69 (1) (j) Hold hearings, make findings and issue temporary restraining
14 orders under s. 813.122 or 813.123.

15 **SECTION 99.** 757.69 (1) (k) of the statutes is repealed and recreated to read:

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

19 **SECTION 100.** 757.69 (1) (m) of the statutes is amended to read:

20 757.69 (1) (m) Hold hearings, make findings, and issue temporary restraining
21 orders and injunctions under s. 813.12 or 813.125.

22 **SECTION 101.** 757.69 (1m) of the statutes is created to read:

23 757.69 (1m) Circuit court commissioners assigned to assist a court in juvenile
24 matters shall sit at the children's court center, the usual court facility for juvenile

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 102.** 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 103.** 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 104.** 757.69 (2m) of the statutes is created to read:

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 105.** 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 106.** 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 supplemental 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 107.** 757.69 (6) of the statutes is repealed.

18 **SECTION 108.** 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 supplemental court commissioner.

23 **SECTION 109.** 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 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 110.** 757.695 of the statutes is repealed.

5 **SECTION 111.** 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 112.** 757.72 (title) of the statutes is repealed.

12 **SECTION 113.** 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 114.** 757.72 (2) of the statutes is repealed.

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1 **SECTION 115.** 757.72 (3) of the statutes is repealed.

2 **SECTION 116.** 757.72 (4) of the statutes is repealed.

3 **SECTION 117.** 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 118.** 757.72 (6) of the statutes is repealed.

9 **SECTION 119.** 757.72 (7) of the statutes is repealed.

10 **SECTION 120.** 757.72 (8) of the statutes is repealed.

11 **SECTION 121.** 757.81 (2) of the statutes is repealed.

12 **SECTION 122.** 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 123.** 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 supplemental 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 124.** 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 125.** 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 supplemental court commissioner.
8 Before finding probable cause, the commission shall notify the judge or circuit or
9 supplemental 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 supplemental court commissioner
12 responds, the commission shall consider the response before it finds probable cause.

13 **SECTION 126.** 757.85 (4) of the statutes is amended to read:

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

17 **SECTION 127.** 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 supplemental 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 supplemental 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 128.** 757.87 (1) of the statutes is amended to read:

1 757.87 (1) After the commission has found probable cause that a judge or
2 circuit or supplemental 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 129.** 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 supplemental 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 130.** 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 supplemental 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 131.** 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 supplemental
11 court commissioner prior to the filing of a petition or a formal complaint by the
12 commission.

13 **SECTION 132.** 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 supplemental court commissioner to a fair
19 hearing without prejudgment, to state that the judge or circuit or supplemental 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 133.** 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 supplemental court commissioner.

1 **SECTION 134.** 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 135.** 757.99 of the statutes is amended to read:

8 **757.99 Attorney fees.** A judge or circuit or supplemental 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 supplemental 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 supplemental 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 136.** 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 137.** 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~~ willfully false or insufficient, or that either or both of said
16 parties are not competent in law to marry, the court shall make an order refusing the
17 marriage license, and shall immediately report such matter to the district attorney.
18 If said falseness or insufficiency is due merely to inadvertence, then the court shall
19 permit the parties to amend the application so as to make the statements therein
20 true and sufficient, and upon application being so amended, the marriage license
21 shall be issued. If any party is unable to supply any of the information required in
22 the application, the court may, if satisfied that such inability is not due to ~~wilfulness~~
23 willfulness or negligence, order the marriage license to be issued notwithstanding
24 such insufficiency. The costs and disbursements of the proceedings under this

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

3 **SECTION 138.** 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 supplemental court
6 commissioner appointed under s. ~~757.68~~ 757.675 (1).

7 **SECTION 139.** 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 140.** 767.081 (title) of the statutes is amended to read:

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

17 **SECTION 141.** 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 142.** 767.081 (2) (a) (intro.) of the statutes is amended to read:

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

1 **SECTION 143.** 767.081 (2) (b) of the statutes is amended to read:

2 767.081 (2) (b) The office of family 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 144.** 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 145.** 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 146.** 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 147.** 767.085 (3) of the statutes is amended to read:

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 148.** 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 149.** 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 150.** 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 151.** 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 152.** 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~~ 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~~ 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 153.** 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~~ 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 154.** 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~~ family a circuit court commissioner of any problem he or she
24 has relating to any of these matters. Upon notification, the ~~family circuit~~ 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 155.** 767.11 (6) of the statutes is amended to read:

4 767.11 (6) ACTION UPON REFERRAL. Whenever a court or 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 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 156.** 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 circuit court commissioner a written notice stating the mediator's
18 name and the date of the first meeting with the mediator.

19 **SECTION 157.** 767.11 (13) of the statutes is amended to read:

20 767.11 (13) POWERS OF COURT OR 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 court commissioner to make any necessary
23 order relating to the parties during the course of the mediation.

24 **SECTION 158.** 767.115 (1) (a) of the statutes is amended to read:

ASSEMBLY BILL 354**SECTION 158**

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 159.** 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 160.** 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 161.** 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 162.** 767.115 (4) (a) of the statutes is amended to read:

4 767.115 (4) (a) At any time during the pendency of a divorce or paternity action,
5 the court or family circuit court commissioner may order the parties to attend a class
6 that is approved by the court or family circuit court commissioner and that addresses
7 such issues as child development, family dynamics, how parental separation affects
8 a child's development and what parents can do to make raising a child in a separated
9 situation less stressful for the child.

10 **SECTION 163.** 767.115 (4) (b) of the statutes is amended to read:

11 767.115 (4) (b) The court or family circuit court commissioner may not require
12 the parties to attend a class under this subsection as a condition to the granting of
13 the final judgment or order in the divorce or paternity action, however, the court or
14 family circuit court commissioner may refuse to hear a custody or physical placement
15 motion of a party who refuses to attend a class ordered under this subsection.

16 **SECTION 164.** 767.115 (4) (c) 2. of the statutes is amended to read:

17 767.115 (4) (c) 2. If the court or family circuit court commissioner finds that a
18 party is indigent, any costs that would be the responsibility of that party shall be paid
19 by the county.

20 **SECTION 165.** 767.12 (1) of the statutes is amended to read:

21 767.12 (1) PROCEEDINGS. In actions affecting the family, all hearings and trials
22 to determine whether judgment shall be granted, except hearings under s. ~~767.13 (5)~~
23 757.69 (1) (p) 3., shall be before the court. The testimony shall be taken by the
24 reporter and shall be written out and filed with the record if so ordered by the court.
25 Custody proceedings shall receive priority in being set for hearing.

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SECTION 166

1 **SECTION 166.** 767.125 of the statutes is amended to read:

2 **767.125 Order for appearance of litigants.** Unless nonresidence in the
3 state is shown by competent evidence, service is by publication, or the court shall for
4 other good cause otherwise order, both parties in actions affecting the family shall
5 be required to appear upon the trial. An order of the court or ~~family~~ a circuit court
6 commissioner to that effect shall accordingly be procured by the moving party, and
7 shall be served upon the nonmoving party before the trial. In the case of a joint
8 petition the order is not required.

9 **SECTION 167.** 767.13 (title) of the statutes is repealed.

10 **SECTION 168.** 767.13 (1) of the statutes is renumbered 757.68 (2m) (a) and
11 amended to read:

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

19 2. ‘Powers; civil service; oath; temporary appointment; assistants.’ ~~The family~~
20 ~~court commissioner, by virtue of the office and to the extent required for the~~
21 ~~performance of the duties, has the powers of a court commissioner. The circuit court~~
22 commissioner appointed to supervise the office of family court commissioner is in
23 addition to the maximum number of circuit court commissioners permitted by
24 s.757.68 sub. (1). The circuit court commissioner supervising the office of the family
25 court commissioner, or any assistant circuit court commissioner assisting in family