

2001 DRAFTING REQUEST

Bill

Received: **09/18/2000**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Director of State Courts 6-6984**

By/Representing: **Sheryl Gervasi**

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

Drafter: **nelsorp1**

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Pre Topic:

No specific pre topic given

Topic:

Powers, responsibilities and appointment of court commissioners

Instructions:

See Attached 99 AB380 (99-0137/3) plus CCC and 99a0554

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1 09/22/2000	gilfokm 10/09/2000		_____			
/1			pgreensl 10/13/2000	_____	lrb_docadmin 10/13/2000	lrb_docadmin 04/17/2001	

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/?	nelsorp1	1-10/2 Kmg	10/10 P.G.				

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<END>



State of Wisconsin
1999-2000 LEGISLATURE

RPN

CORRECTIONS IN:

1999 ASSEMBLY BILL 380

Prepared by the Legislative Reference Bureau
(July 26, 1999)

- ✓ 1. Page 59, line 12: substitute "s." for "s."
- ✓ 2. Page 59, line 13: delete "757.68 (1)" and substitute "757.68 sub. (1)".

**ASSEMBLY AMENDMENT 2,
TO 1999 ASSEMBLY BILL 380**

August 31, 1999 – Offered by Representative HUEBSCH.

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

✓ 2 **1.** Page 53, line 4: on lines 4 and 8, delete “~~The family~~ A circuit” and substitute
3 “The office of family”.

4 (END)

9/22

2001-02

1999-2000 LEGISLATURE

0375/1

LRB-01372

RPN:kg:ch

:kg:

V-Note

2001

1999 ASSEMBLY BILL 380

→ Proof: all amended stats. w/FOLIO; except

Do NOT proof

June 10, 1999 - Introduced by Representative HUEBSCH, cosponsored by Senator GEORGE, by request of Director of State Courts. Referred to Committee on Judiciary and Personal Privacy those in the insert.

regeln

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

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1 (3), 51.10 (4m) (d), 51.20 (1) (c), 51.45 (12) (b) (intro.), 51.45 (12) (c) (intro.), 51.45
2 (12) (c) 1., 51.45 (13) (dm), 59.37, 59.53 (5) (a), 59.53 (5m) (a), 59.64 (1) (c) (title),
3 1. (intro.) and 2., 59.64 (1) (d) (intro.), 59.64 (1) (d) 1. (intro.), 59.64 (1) (e), 59.64
4 (1) (f), 59.64 (1) (g) 4., 59.79 (5), 63.03 (2) (z), 69.15 (3m) (a) 3. and 4., 75.43,
5 101.02 (5) (c), 103.005 (5) (c), 133.10 (1), 133.11 (1), 133.11 (3), 171.04 (1), 171.04
6 (2), 171.04 (3), 171.05, 171.06, 196.24 (2), 563.71 (1) (a), 563.71 (1) (c), 757.24,
7 757.30 (2), 757.68 (title), 757.69 (title), 757.69 (1) (b), 757.69 (1) (j), 757.69 (1)
8 (m), 757.69 (2) (intro.), 757.69 (2) (a), 757.70 (2), 757.81 (6), 757.85 (1) (a), 757.85
9 (1) (b), 757.85 (3), 757.85 (4), 757.85 (5), 757.87 (1), 757.89, 757.93 (1) (a), 757.93
10 (1) (b), 757.93 (2), 757.93 (4) (a), 757.95, 757.99, 765.11 (1), 765.11 (2), 765.16
11 (5), 767.045 (1) (c) (intro.), 767.081 (title), 767.081 (1), 767.081 (2) (a) (intro.),
12 767.081 (2) (b), 767.083 (2), 767.085 (1) (i), 767.085 (1) (j) (intro.), 767.085 (3),
13 767.087 (1) (b), 767.087 (1) (c), 767.087 (2), 767.11 (1) (c), 767.11 (5) (a), 767.11
14 (5) (b), 767.11 (5) (c), 767.11 (6), 767.11 (7), 767.11 (13), 767.115 (1) (a), 767.115
15 (1) (b), 767.115 (1m), 767.115 (2), 767.12 (1), 767.125, 767.14, 767.145 (1), 767.15
16 (1), 767.16, 767.23 (1) (intro.), 767.23 (1) (a), 767.23 (1) (am), 767.23 (1m), 767.23
17 (1n), 767.25 (4m) (f) 2., 767.265 (1), 767.265 (2h), 767.265 (2r), 767.267 (1),
18 767.267 (5), 767.27 (2), 767.29 (title), 767.29 (1) (c), 767.29 (1) (d) (intro.), 767.29
19 (1) (d) 2., 767.29 (1) (e), 767.29 (1m) (b), 767.29 (3) (a), 767.29 (3) (b), 767.293
20 (1), 767.293 (2), 767.293 (3), 767.32 (1) (a), 767.327 (2) (c), 767.33 (2), 767.37 (1)
21 (a), 767.37 (2), 767.45 (5) (b), 767.455 (5), 767.458 (1m), 767.46 (1), 767.463,
22 767.463 (2) (a), 767.51 (3m) (f) 2., 767.62 (2) (b), 767.62 (3) (b), 767.62 (4) (a),
23 767.62 (4) (b) 2., 767.62 (4) (b) 3. a., 767.62 (4) (b) 3. b., 767.62 (4) (b) 4. (intro.),
24 767.62 (4) (b) 4. c., 767.62 (4) (b) 5. a., 767.62 (4) (b) 6. b., 767.62 (4) (d) 1., 767.62
25 (4) (d) 2., 767.62 (4) (e) (intro.), 767.62 (4) (e) 14., 767.62 (4) (f), 769.102, 769.302,

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1 782.01 (3), 782.03, 782.28, 799.03, 799.05 (7) (intro.), 799.06 (1), 799.11 (3),
2 799.20 (4), 799.206 (1), (2) and (4), 799.207 (title), 799.207 (1) (a), 799.207 (1)
3 (b), 799.207 (1) (e), 799.207 (2) (intro.), 799.207 (3) (b), 799.209 (1) to (4), 799.21
4 (3) (b), 799.21 (4), 799.24 (1), 799.24 (3), 799.26 (1), 803.01 (3) (b) 1., 807.02,
5 807.04 (1), 807.09 (1), 812.30 (2), 813.025 (1), 813.12 (2) (a), 813.12 (2) (b),
6 813.12 (3) (a), 813.12 (3) (am), 813.12 (3) (c), 813.12 (3) (d), 813.12 (4) (a) (intro.),
7 813.12 (4) (a) 3., 813.12 (4) (am), 813.12 (4) (b), 813.12 (4m) (a) 2., 813.12 (4m)
8 (b) (intro.), 813.12 (4m) (b) 2., 813.12 (5) (c), 813.12 (6) (a), 813.12 (7m), 813.122
9 (3) (a), 813.122 (3) (b) (intro.), 813.122 (3) (bm), 813.122 (4) (a) (intro.), 813.122
10 (4) (a) 1., 813.122 (4) (a) 2., 813.122 (5m) (a) 2., 813.122 (5m) (b) (intro.), 813.122
11 (5m) (b) 2., 813.122 (9) (a), 813.123 (3) (a), 813.123 (3) (b) (intro.), 813.123 (4)
12 (a), 813.123 (8) (a), 813.125 (3) (a) (intro.), 813.125 (3) (a) 2., 813.125 (3) (c),
13 813.125 (4) (a) (intro.), 813.125 (4) (a) 2., 813.125 (4) (a) 3., 813.125 (4m) (a),
14 813.125 (4m) (c) 2., 813.125 (4m) (d) (intro.), 813.125 (4m) (d) 2., 813.125 (5)
15 (am), 814.615 (3), 814.68 (title), 814.68 (1) (intro.), 814.68 (1) (a), 814.68 (1) (b)
16 (intro.), 814.68 (1) (b) 1., 814.68 (2), 816.03 (1) (b), 816.035 (1) and (2), 818.02
17 (6), 879.61, 885.10, 885.12, 887.26 (7), 898.02, 898.04, 898.11, 906.15 (1), 906.15
18 (2) (d), 906.15 (3), 911.01 (1), 938.06 (1) (a) 2., 938.208 (4), 938.21 (1) (a), 938.21
19 (1) (b), 938.21 (2) (c), 938.21 (4) (intro.), 938.21 (4m), 938.21 (7), 938.24 (5),
20 938.245 (3), 938.30 (9), 938.32 (1) (a), 938.32 (1d), 938.32 (1g) (intro.), 938.32
21 (1m) (intro.) and (a), 938.32 (1t) (a) 1., 938.32 (1t) (a) 1m., 938.32 (1t) (a) 3.,
22 938.32 (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 (4), 979.05 (5), 979.05 (6), 979.06 (1), 979.06 (2), 979.06 (3), 979.06 (4)
25 (intro.), 979.06 (5), 979.08 (1), 979.08 (3) (intro.), 979.08 (6), 979.08 (7) and

ASSEMBLY BILL 380

1 979.09; **to repeal and recreate** 17.16 (1), 757.68 (1), 757.69 (1) (intro.), 757.69
 2 (1) (k), 979.05 (2) and 979.05 (3); and **to create** 757.001, 757.01 (4), 757.675
 3 (title), 757.68 (5m), 757.68 (6), 757.68 (7), 757.69 (1) (g) 8. to 13., 757.69 (1m),
 4 757.69 (2m) and 757.69 (8) of the statutes; **relating to:** powers, responsibilities,
 5 and 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 ~~chapter~~ 48 and 938 of the statutes. Other duties of these court commissioners are specified in the general court statutes.

In supreme court order 97-10, the supreme court created chapter 75 of the supreme court rules. Those rules, effective January 1, 1999, create two types of court commissioners, circuit court commissioners (formerly 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) of the statutes is amended to read:

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

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

19 20.445 (3) (cb) ~~Child support collection~~ *county administration*. The amounts
20 in the schedule for the county ~~child support order revision~~ programs under s. 49.23
21

✓
Insert
5-18
5-19
5-19a

ASSEMBLY BILL 380

SECTION 4

1 ~~(1), for state incentive payments under s. 49.23 (2), for assistance to counties in~~
2 ~~establishing paternity and obtaining child support and for payments to Milwaukee~~
3 ~~County under s. 49.25 (8)-(b) to fund an additional family circuit court commissioner~~
4 ~~to assist in matters affecting the family.~~

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

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

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

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

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

21 ✓ 48.06 (1) (a) 2. The chief judge of the judicial administrative district shall
22 formulate written judicial policy governing intake and court services for child
23 welfare matters under this chapter and the department shall be charged with
24 executing the judicial policy. The chief judge shall direct and supervise the work of
25 all personnel of the court, except the work of the district attorney or corporation

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1 counsel assigned to the court. ~~The chief judge may delegate his or her supervisory~~
 2 ~~functions under s. 48.065 (1).~~

3 ✓ SECTION 8. 48.065 (title) of the statutes is repealed.

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

6 757.68 (3m) The board of supervisors of any county may authorize the chief
 7 judge of the judicial administrative district to appoint establish one or more circuit
 8 court commissioner positions on a part-time or full-time juvenile court
 9 commissioners who basis to assist in matters affecting juveniles. A circuit court
 10 commissioner under this subsection shall serve at the discretion of the chief judge.

11 (17) → A juvenile court commissioner shall be licensed to practice law in this state and shall
 12 *strike space* have been so licensed for at least 2 years immediately prior to appointment and shall
 13 have a demonstrated interest in the welfare of children and unborn children. The
 14 chief judge may assign law clerks, bailiffs and deputies to the court commissioner.
 15 The chief judge shall supervise juvenile court commissioners, law clerks, bailiffs and
 16 deputies, except that the chief judge may delegate any of those duties.

17 ✓ SECTION 10. 48.065 (2) to (4) of the statutes are repealed.

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

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

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

24 ✓ 48.21 (1) (a) If a child who has been taken into custody is not released under
 25 s. 48.20, a hearing to determine whether the child shall continue to be held in custody

ASSEMBLY BILL 380

SECTION 12

1 under the criteria of ss. 48.205 to 48.209 shall be conducted by the judge or juvenile
2 a circuit court commissioner within 48 hours of the time the decision to hold the child
3 was made, excluding Saturdays, Sundays and legal holidays. By the time of the
4 hearing a petition under s. 48.25 shall be filed, except that no petition need be filed
5 where a child is taken into custody under s. 48.19 (1) (b) or (d) 2. or 7. or where the
6 child is a runaway from another state, in which case a written statement of the
7 reasons for holding a child in custody shall be substituted if the petition is not filed.
8 If no hearing has been held within 48 hours, excluding Saturdays, Sundays and legal
9 holidays, or if no petition or statement has been filed at the time of the hearing, the
10 child shall be released except as provided in par. (b). A parent not present at the
11 hearing shall be granted a rehearing upon request.

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

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

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1 habitual lack of self-control in the use of alcohol beverages, controlled substances or
2 controlled substance analogs, exhibited to a severe degree, and to believe that the
3 child expectant mother is refusing or has refused to accept any alcohol or other drug
4 abuse services offered to her or is not making or has not made a good faith effort to
5 participate in any alcohol or other drug abuse services offered to her. The extension
6 may be granted only once for any petition. In the event of failure to file a petition
7 within the extension period provided for in this paragraph, the judge or juvenile
8 circuit court commissioner shall order the child's immediate release from custody.

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

10 ✓ 48.21 (4) CONTINUATION OF CUSTODY. (intro.) If the judge or juvenile circuit court
11 commissioner finds that the child should be continued in custody under the criteria
12 of s. 48.205, he or she shall enter one of the following orders:

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

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

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

22 ✓ 48.213 (1) (a) If an adult expectant mother of an unborn child who has been
23 taken into custody is not released under s. 48.203, a hearing to determine whether
24 the adult expectant mother shall continue to be held in custody under the criteria of
25 s. 48.205 (1m) shall be conducted by the judge or juvenile a circuit court

ASSEMBLY BILL 380

SECTION 16

1 commissioner within 48 hours after the time that the decision to hold the adult
2 expectant mother was made, excluding Saturdays, Sundays and legal holidays. By
3 the time of the hearing a petition under s. 48.25 shall be filed, except that no petition
4 need be filed when an adult expectant mother is taken into custody under s. 48.193
5 (1) (b) or (d) 1. or 3., in which case a written statement of the reasons for holding the
6 adult expectant mother in custody shall be substituted if the petition is not filed. If
7 no hearing has been held within those 48 hours, excluding Saturdays, Sundays and
8 legal holidays, or if no petition or statement has been filed at the time of the hearing,
9 the adult expectant mother shall be released except as provided in par. (b).

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

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

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1 provided for in this paragraph, the judge or juvenile circuit court commissioner shall
2 order the adult expectant mother's immediate release from custody.

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

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

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

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

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

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

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

23 ✓ 48.30 (9) If a circuit court commissioner conducts the plea hearing and accepts
24 an admission of the alleged facts in a petition brought under s. 48.13 or 48.133, the

1 judge shall review the admission at the beginning of the dispositional hearing by
2 addressing the parties and making the inquiries set forth in sub. (8).

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

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

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

20 ✓ 48.32 (2) (a) A consent decree shall remain in effect up to 6 months unless the
21 child, parent, guardian, legal custodian or expectant mother is discharged sooner by
22 the judge or juvenile circuit court commissioner.

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

24 ✓ 48.32 (6) The judge or juvenile circuit court commissioner shall inform the child
25 and the child's parent, guardian or legal custodian, or the adult expectant mother,

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1 in writing, of the right of the child or expectant mother to object to the continuation
2 of the consent decree under sub. (3) and the fact that the hearing under which the
3 child or expectant mother was placed on supervision may be continued to conclusion
4 as if the consent decree had never been entered.

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

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

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

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

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1 pension plan, whichever is appropriate, to withhold the amount from any lump sum
2 payment from a pension plan that may be paid the person.

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

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

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

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

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

23 ✓ 49.854 (3) (ar) *Direct appeal.* If the obligor has not requested a financial
24 records and court order review under par. (ag), the obligor may request a hearing
25 under this paragraph within 20 business days of the date of the notice under par. (a).

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1 The obligor shall make the request in writing and shall mail or deliver a copy of the
2 request to the county child support agency. If a timely request for a hearing is made
3 under this paragraph, the court or family circuit court commissioner shall schedule
4 a hearing within 10 days after the date of the request. If, at the hearing, the obligor
5 establishes that the lien is not proper because of a mistake of fact, the court or family
6 circuit court commissioner shall order the department to remove the lien from the
7 statewide support lien docket or adjust the amount of the delinquent obligation.

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

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

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

18 ✓ 49.854 (5) (f) *Hearings.* A hearing requested under par. (d) 6. shall be
19 conducted before the circuit court rendering the order to pay support. Within 45
20 business days after receiving a request for hearing under par. (d) 6., the court shall
21 conduct the hearing. ~~The family~~ A circuit court commissioner may conduct the
22 hearing. The hearing shall be limited to a review of whether the account holder owes
23 the amount of support certified and whether any alternative payment arrangement
24 offered by the department or the county child support agency is reasonable. If the
25 court or family circuit court commissioner makes a written determination that an

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

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

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

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1 commissioner shall order the department to return the seized property within 15
2 business days. If the court or family circuit court commissioner determines that the
3 obligor does not owe support or owes less than the amount claimed by the
4 department, the court shall order the department to return the seized property
5 within 15 business days or specify the amount which may be retained by the
6 department after the sale of the seized property. If a family circuit court
7 commissioner conducts the hearing under this paragraph, the department or the
8 obligor may, within 15 business days after the date that the family circuit court
9 commissioner makes his or her decision, request review of the decision by the court
10 with jurisdiction over the action. The court reviewing the decision may order the
11 department to return the seized property or may authorize the sale of the property
12 by the department. If the department is ordered to return seized property under this
13 paragraph, the court shall instruct any state agency responsible for titling the
14 property that it may transfer title to the property without receiving instructions from
15 a court or the department under par. (a).

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

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

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

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

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

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1 together. The person requesting the hearing shall have the burden of proving his or
2 her net contribution by clear and convincing evidence. If the court determines that
3 a portion of the jointly held property is attributable to the contributions of the person,
4 the court shall direct the department or the county child support agency to pay the
5 person, from the net balance of the jointly held account or the net proceeds of the sale
6 of the jointly held real or personal property, the proportion of the gross value of the
7 account or real or personal property that is attributable to that person. If the family
8 a circuit court commissioner conducts the hearing under this subsection, the person
9 may, within 15 business days after the date that the family circuit court
10 commissioner makes his or her decision, request review of the decision by the court
11 with jurisdiction over the action.

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

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

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1 court or family a circuit court commissioner, the department of workforce
2 development or its designee, whichever is appropriate, is prohibited from disbursing
3 the obligor's state tax refund or credit. ~~The family~~ A circuit court commissioner may
4 conduct the hearing. The sole issues at that hearing shall be whether the obligor
5 owes the amount certified and, if not and it is a support or maintenance order,
6 whether the money withheld from a tax refund or credit shall be paid to the obligor
7 or held for future support or maintenance. An obligor may, within 20 days of
8 receiving notice that the amount certified shall be withheld from his or her federal
9 tax refund or credit, request a hearing under this subsection.

10 **SECTION 36.** 49.855 (4m) (b) of the statutes, ~~not~~ affected by ~~1997 Wisconsin Act~~

11 ~~237~~ section ~~212~~ is amended to read:

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

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1 of the notice the obligor may request a hearing before the circuit court rendering the
2 order. An obligor may, within 20 days after receiving notice, request a hearing under
3 this paragraph. Within 10 days after receiving a request for hearing under this
4 paragraph, the court shall set the matter for hearing. ~~The family~~ A circuit court
5 commissioner may conduct the hearing. Pending further order by the court or ~~family~~
6 circuit court commissioner, the department of workforce development or its designee,
7 whichever is appropriate, may not disburse the payments withheld from the obligor.
8 The sole issues at the hearing are whether the obligor owes the amount certified and,
9 if not and it is a support or maintenance order, whether the money withheld shall be
10 paid to the obligor or held for future support or maintenance.

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

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

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

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

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

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

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

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

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

22 ✓ 49.857 (3) (ar) 1. If an individual timely requests a hearing under par. (am) 5.,
23 the court shall schedule a hearing within 10 business days after receiving the
24 request. ~~The family~~ A circuit court commissioner may conduct the hearing. The only
25 issues at the hearing shall be whether the individual is delinquent in making

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1 court-ordered payments of support and whether any alternative payment
2 arrangement offered by the department of workforce development or the county child
3 support agency is reasonable.

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

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

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

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

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

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1 ✓ 51.10 (4m) (d) If a patient admitted under par. (a) 1. has not signed a voluntary
2 admission application within 7 days after admission, the patient, the guardian ad
3 litem and the physician who signed the admission request shall appear before the
4 judge or a circuit court commissioner ~~of the court~~ assigned to exercise probate
5 jurisdiction for the county in which the facility is located to determine whether the
6 patient shall remain in the facility as a voluntary patient. If the judge or circuit court
7 commissioner determines that the patient desires to leave the facility, the facility
8 shall discharge the patient. If the facility has reason to believe the patient is eligible
9 for commitment under s. 51.20, the facility may initiate procedures for involuntary
10 commitment.

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

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

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1 this section. The petition shall contain a clear and concise statement of the facts
2 which constitute probable cause to believe the allegations of the petition. The
3 petition shall be sworn to be true. If a petitioner is not a petitioner having personal
4 knowledge as provided in par. (b), the petition shall contain a statement providing
5 the basis for his or her belief.

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

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

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

13 ✓ 51.45 (12) (c) (intro.) Upon receipt of a petition under par. (b), the circuit court
14 commissioner or court shall:

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

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

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

23 ✓ 51.45 (13) (dm) For the purposes of this section, duties to be performed by a
24 court shall be carried out by the judge of such court or a circuit court commissioner

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1 of such court who is ~~an attorney and is~~ designated by the chief judge to so act, in all
2 matters prior to a final hearing under this subsection.

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

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

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

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

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1 enforcement under sub. (6) (a), ~~family circuit court commissioner commissioners~~ and
2 all other county officials shall cooperate with the county and the department of
3 workforce development as necessary to provide the services required under the
4 programs. The county shall charge the fee established by the department of
5 workforce development under s. 49.22 for services provided under this paragraph to
6 persons not receiving benefits under s. 49.148 or 49.155 or assistance under s.
7 46.261, 49.19 or 49.47.

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

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

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

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

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

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

8 ✓ 59.64 (1) (d) *Of court officers; certification; audit by district attorney; waiver.*
9 (intro.) Fees of officers, in any action or proceeding before a circuit or supplemental
10 court commissioner, shall be certified to and allowed by the board in the following
11 manner:

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

13 ✓ 59.64 (1) (d) 1. (intro.) At least 10 days before the annual meeting of the board,
14 every circuit and supplemental court commissioner shall make and file with the clerk
15 a certified statement of all actions or proceedings had or tried before him or her
16 within the year next preceding the date of the statement in which the state was a
17 party and in which the county became liable for the fees of officers who appeared on
18 the part of either the state or a defendant. The statement shall include all of the
19 following:
20

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

22 ✓ 59.64 (1) (e) *Fees for statements and certificates.* Every circuit or supplemental
23 court commissioner shall receive from the treasurer \$1 per page for making
24 statements and returns required by par. (c) and \$1 for making each certificate
 required by par. (d). All such statements and certificates shall be transmitted to the

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1 clerk by certified mail and for transmitting the statements and certificates the circuit
2 or supplemental court commissioner shall receive \$1.

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

4 ✓ 59.64 (1) (f) *Court Circuit and supplemental court commissioners*. The board
5 at any session thereof may as provided in par. (d) 2. examine and allow any
6 statement, account or claim of any circuit or supplemental court commissioner which
7 is on file with the clerk before the opening of the session of the board.

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

9 ✓ 59.64 (1) (g) 4. Any judge or circuit or supplemental court commissioner, juror,
10 witness, interpreter, attorney, guardian ad litem or recipient of transcript fees who
11 makes, signs or endorses any such certificate or order which is untrue in respect to
12 anything material, which he or she knows to be false, or which he or she does not have
13 good reason to believe is true, shall be punished as provided in s. 946.12.

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

15 ✓ 59.79 (5) **FEE FOR CERTAIN MARRIAGE CEREMONIES.** Enact an ordinance imposing
16 a fee to be paid in advance to the clerk for each marriage ceremony performed by a
17 judge or a circuit or supplemental court commissioner specified in s. 765.16 (5) in the
18 courthouse, safety building or children's court center during hours when any office
19 in those public buildings is open for the transaction of business. The amount of the
20 fee shall be determined by the board.

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

22 ✓ 63.03 (2) (z) ~~Full-time~~ Circuit court commissioners under s. 757.68 (1)
23 employed on a full-time basis.

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

1 ✓ 69.15 (3m) (a) 3. Except as provided in subd. 4, the person rescinding the
2 statement files the document under subd. 2. before the day on which a court or family
3 circuit court commissioner makes an order in an action affecting the family involving
4 the man who signed the statement and the child who is the subject of the statement
5 or before 60 days elapse after the statement was filed, whichever occurs first.

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

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

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

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1 thereof, enter judgment therefor in favor of the county and against the defendant,
2 which shall be enforced as other money judgments.

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

4 ✓ 101.02 (5) (c) In the discharge of his or her duties such agent shall have every
5 power of an inquisitorial nature granted in this subchapter to the department, the
6 same powers as a supplemental court commissioner with regard to the taking of
7 depositions and all powers granted by law to a supplemental court commissioner
8 relative to depositions.

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

10 ✓ 103.005 (5) (c) In the discharge of his or her duties such agent shall have every
11 power of an inquisitorial nature granted in chs. 103 to 106 to the department, the
12 same powers as a supplemental court commissioner with regard to the taking of
13 depositions and all powers granted by law to a supplemental court commissioner
14 relative to depositions.

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

16 ✓ 133.10 (1) The examination of any party, or if a corporation or limited liability
17 company be a party, of the president, secretary, other principal officer or the general
18 managing agent thereof, or of the person who was such president, secretary, officer
19 or agent at the time of the occurrence of the facts made the subject of the
20 examination, or of any person acting for another or for a corporation, limited liability
21 company or partnership, other than as a witness on a trial, may be taken by
22 deposition at the instance of the department of justice in any such action or
23 proceeding at any time between the commencement thereof and final judgment.
24 Such deposition shall be taken within the state before a judge at chambers or a
25 supplemental court commissioner on previous notice to such party and any other

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1 adverse party or the attorney thereof of at least 5 days, and may be taken without
2 the state.

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

4 ✓ 133.11 (1) Whenever the attorney general files with any supplemental court
5 commissioner a statement that the attorney general has reason to believe and does
6 believe that a violation of this chapter has occurred, the commissioner shall issue a
7 subpoena or a subpoena requiring the production of materials as requested by the
8 department of justice. Mileage or witness fees are not required to be paid in advance
9 but claims for such mileage and fees duly verified and approved by the department
10 of justice shall be audited and paid out of the state treasury and charged to the
11 appropriation provided by s. 20.455 (1) (d), and shall be at the same rates as
12 witnesses in the circuit court.

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

14 ✓ 133.11 (3) The supplemental court commissioner shall be entitled to the fees
15 as provided in s. 814.68 (1). All such fees and all other costs and expenses incident
16 to the inquiry shall be paid out of the appropriation provided by s. 20.455 (1) (d).

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

18 ✓ 171.04 (1) If any property delivered to any forwarding merchant, wharfinger
19 or warehouse keeper, for carriage or storage, is in a state of decay or manifestly liable
20 to immediate damage and decay, the person in whose custody the property is, the
21 person's agent or attorney, may make an affidavit of this fact, and present the
22 affidavit to a circuit judge or supplemental court commissioner for the county in
23 which the property is located, and the circuit judge or supplemental court
24 commissioner shall immediately make an order requiring the sheriff or any
25 constable of the county to immediately inspect the property, and directing him or her,

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1 if it is found to be in a state of decay or manifestly liable to immediate damage or
2 decay, to summarily sell the property without notice.

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

4 ✓ 171.04 (2) If the sheriff or constable, upon inspection, finds the property to be
5 in a state of decay, or manifestly liable to immediate damage or decay, the sheriff or
6 constable shall attach to the order his or her affidavit stating such fact, and shall
7 make an inventory of the property, and shall summarily sell the property without
8 notice, and shall make full return of the sheriff's or constable's execution of the order
9 to the judge or supplemental court commissioner who issued the same, together with
10 the sheriff's or constable's affidavit, inventory and the proceeds of said sale, after
11 deducting the sheriff's or constable's fees therefrom.

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

13 ✓ 171.04 (3) From the proceeds of such sale, the judge or supplemental court
14 commissioner shall pay all legal charges that have been incurred in relation to the
15 property, or a ratable proportion of each charge if the proceeds of the sale are not
16 sufficient to pay all the charges; and the balance, if any, the judge or supplemental
17 court commissioner shall immediately pay over to the treasurer of the judge's or
18 commissioner's county, with a copy of all the proceedings in the matter. The county
19 treasurer shall file the copy in his or her office.

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

21 ✓ 171.05 **Perishable property, held otherwise, how disposed of.** If any
22 property is perishable or subject to decay by keeping, the person in whose custody
23 the property is, the person's agent or attorney, may make an affidavit of this fact and
24 present the affidavit to a circuit judge or supplemental court commissioner for the
25 county in which the property is located, and the judge or supplemental court

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

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

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1 ✓ **171.06 Unclaimed property, how disposed of.** When any property is not
2 perishable or subject to decay and is not claimed and taken away within one year
3 after it was received, it may be sold as follows: The person in whose custody the
4 property is, or the person's agent or attorney, may make an affidavit of the facts and
5 present the same to a judge or supplemental court commissioner of the county in
6 which the property is located and such judge or supplemental court commissioner
7 shall immediately issue an order requiring the sheriff or any constable of the county
8 to sell the property at public auction, giving 60 days' notice of the time and place of
9 the sale to the consignor, the consignee and the custodian of the property. This notice
10 shall be in writing and served personally or by mail upon the persons whose names
11 and residences are known. If the name or residence of any of the persons is unknown
12 and cannot be ascertained with reasonable diligence, the sheriff or constable shall
13 make an affidavit of this fact and shall publish a class 3 notice, under ch. 985, in the
14 county. At the time and place of the sale the sheriff or constable shall sell the property
15 at public auction and shall make a full return of the sheriff's or constable's
16 proceedings under the order to the judge or supplemental court commissioner
17 issuing the order, together with proof of service or publication of the notice of the sale,
18 and an inventory of the property sold and the proceeds of the sale after deducting the
19 sheriff's or constable's fees. From the proceeds of the sale the judge or supplemental
20 court commissioner shall pay all legal charges that have been incurred in relation
21 to the property, including the charges of the person in whose custody the property
22 was when the proceedings were begun, or a ratable proportion of each charge if the
23 proceeds of the sale are not sufficient to pay all of the charges; ~~and the balance, if any,~~
24 ~~the.~~ The judge or supplemental court commissioner shall immediately pay any
25 balance remaining over to the treasurer of his or her county, with a copy of all

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1 proceedings in the matter. The county treasurer shall file the copy in his or her office.
2 The person in whose custody the property is when any proceeding for the sale is
3 commenced, shall immediately notify the consignor and consignee of the sale, in
4 writing, and served by leaving a copy thereof with the consignor and consignee,
5 personally or by mail.

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

7 ✓ 196.24 (2) In the discharge of his or her duties, an agent appointed under sub.

8 (1) shall have any inquisitional power granted to the commission and the power of
9 a supplemental court commissioner to take depositions under s. 757.69 (3) ✓ 757.675 ✓

10 (2) (b).
11 ✓

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

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

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

21 ✓ 563.71 (1) (c) The supplemental court ✓ commissioner shall be entitled to the fees
22 under s. 814.68 (1). All such fees and all other costs and expenses incident to such
23 inquiry shall be paid out of the appropriation under s. 20.455 (1) (d).

24 ✓ **SECTION 74.** 753.175 of the statutes is repealed.

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

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1 ✓ **757.001 Definitions.** In this chapter:

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

5 (2) "Supplemental court commissioner" means a person appointed under s.
6 757.675 (1).

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

8 757.01 (4) To exercise any of the powers and duties of a circuit court
9 commissioner.

insert
37-9:

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

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

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

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

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

2 ✓ **757.675 (title) Supplemental court commissioners.**

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

4 ✓ **757.68 (title) Court Circuit court commissioners.**

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

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

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

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

22 ✓ 757.675 (1) In each county the circuit judges shall appoint such number of
23 ~~part-time~~ supplemental court commissioners as the proper transaction of business
24 requires ~~subject to the following exception:, except that~~ in counties having a
25 population of 200,000 or more each judge may appoint not more than 2 such

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1 supplemental court commissioners and in counties having a population of less than
2 200,000 each judge shall, as nearly as possible, appoint an equal number of
3 supplemental court commissioners within the county. In all counties the
4 appointments shall be subject to the approval of a majority of the circuit judges for
5 the county. Appointments shall be in writing and shall be filed in the office of the
6 clerk of the circuit court. All supplemental court commissioners appointed after May
7 16, 1978, ~~other than official court reporters acting under s. 814.68 (1) (b) performing~~
8 ~~duties or exercising powers specified for court reporters,~~ shall be attorneys licensed
9 to practice in this state. The appointing judge may remove, at will and without cause,
10 any supplemental court commissioner appointed by the judge or the judge's
11 predecessor in office. Unless he or she is so removed, the term of each supplemental
12 court commissioner shall continue until the expiration of the term of the appointing
13 judge and until the successor of the commissioner is appointed and qualified. Each
14 supplemental court commissioner shall take and file the official oath in the office of
15 clerk of the circuit court of the county for which appointed before performing any
16 duty of the office.

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

18 ✓ SECTION 85. 757.68 (5) of the statutes is renumbered 757.675 (6) and amended
19 to read:

20 ✓ 757.675 (6) ~~Part-time~~ Supplemental court commissioners appointed under
21 sub. ~~(2)~~ ^{✓ ✓} (1) shall collect the fees prescribed in s. 814.68 (1).

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

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

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1 of less than 500,000, the county board may establish one or more circuit court
2 commissioner positions on a part-time or full-time basis to assist in small claims
3 matters under ch. 799.

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

5 ✓ 757.68 (6) The county board shall set the salary of persons appointed as circuit
6 court commissioners. The county board shall furnish circuit court commissioners
7 with necessary office space, furnishings, supplies, and services.

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

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

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

14 757.69 (title) Powers and duties of circuit court commissioners.

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

16 ✓ 757.69 (1) (intro.) A circuit court commissioner may:

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

18 ✓ 757.69 (1) (b) In criminal matters issue summonses, arrest warrants or search
19 warrants and, determine probable cause to support a warrantless arrest, conduct
20 initial appearances of persons arrested and, set bail to the same extent as a judge.
21 ~~At the initial appearance, the court commissioner shall, when necessary, inform the~~
22 ~~defendant in accordance with s. 970.02 (1). If the defendant appears or claims to be~~
23 ~~unable to afford counsel, the court commissioner, in accordance with s. 970.02 (6),~~
24 may ² and refer the person to the authority for indigency determinations specified
25 under s. 977.07 (1). ~~If the court commissioner is a full-time~~ A circuit court

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1 commissioner, ~~he or she~~ employed on a full-time basis may conduct the preliminary
2 examination and arraignment ~~to the same extent as a judge~~ and, with the consent
3 of both the state and the defendant, ~~may~~ accept a guilty plea. If a court refers a
4 disputed restitution issue under s. 973.20 (13) (c) 4., the circuit court commissioner
5 shall conduct the hearing on the matter in accordance with s. 973.20 (13) (c) 4.

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

8 ✓ 757.69 (1) (g) (intro.) When assigned to the assist a court assigned jurisdiction
9 ~~under chs. 48 and 938, a court commissioner may, under ch. 48 or 938, issue in~~
10 juvenile matters:

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

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

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

15 4. Conduct preliminary appearances, ~~conduct.~~

16 5. Conduct uncontested proceedings under ss. s. 48.13, 48.133, 938.12, 938.13
17 and ²~~or~~ 938.18, ~~enter.~~

18 6. Enter into consent decrees ~~and exercise.~~

19 7. Exercise the powers and perform the duties specified in par. (j) or (m),
20 whichever is applicable, in proceedings under s. 813.122 or 813.125 in which the
21 respondent is a child. ~~Contested waiver hearings under s. 938.18 and dispositional~~
22 ~~hearings under ss. 48.335 and 938.335 shall be conducted by a judge. When acting~~
23 ~~in an official capacity and assigned to the children's court center, a court~~
24 ~~commissioner shall sit at the children's court center or such other facility designated~~
25 ~~by the chief judge. Any decision by the commissioner shall be reviewed by the judge~~

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

5 **SECTION 93.** 757.69 (1) (g) 8. to 13. of the statutes are created to read:

6 ✓ 757.69 (1) (g) 8. Conduct hearings under s. 48.21[✓] or 938.21[✓] and thereafter order
7 a child or juvenile held in or released from custody.

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

10 10. Conduct plea hearings.

11 11. Conduct prehearing conferences.

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

13 13. Conduct all proceedings on petitions or citations under s. 938.125[✓].

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

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

17 **SECTION 95.** 757.69 (1) (k)[✓] of the statutes is repealed and recreated to read:

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

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

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

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

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1 ✓757.69 (1m) Circuit court commissioners assigned to assist a court in juvenile
 2 matters shall sit at the children's court center, the usual court facility for juvenile
 3 matters, or such other facility designated by the chief judge of the judicial
 4 administrative district. Those commissioners may not do any of the following:

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

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

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

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

15 (e) Conduct hearings, make findings, or issue orders in proceedings under s.
 16 48.977 or 48.978.

17 (f) Conduct waiver hearings under s. 938.18, except as provided in sub. (1) (g)
 18 5.

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

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

21 ✓757.69 (2) (intro.) A judge may refer to a circuit court commissioner appointed
 22 under s. 48.065, 757.68, 757.72, 767.13 or 938.065 cases in which:

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

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SECTION 99

1 ✓ 757.69 (2) (a) The trial of an issue of fact requires the examination of an
2 account, in which case the circuit court commissioner may be directed to report upon
3 any specific question of fact involved therein.

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

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

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

9 ✓ 757.675 (2) (intro.) Court Supplemental court commissioners appointed under
10 s. ~~48.065~~, ~~757.68~~, ~~757.72~~, ~~767.13~~ or ~~938.065~~ may, under their own authority:

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

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

16 ✓ 757.675 (3) In addition to the duties expressly set forth in sub. (3) (2) (a) to (e)
17 (i), a supplemental court commissioner may perform other ministerial duties as
18 required by a court.

19 (4) A supplemental court commissioner may transfer to a court any matter in
20 which it appears that justice would be better served by such a transfer.

21 ✓ SECTION 103. 757.69 (6) of the statutes is repealed.

22 ✓ SECTION 104. 757.69 (7) of the statutes is renumbered 757.675 (5) and amended
23 to read:

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1 ✓ 757.675 (5) A supplemental court commissioner shall refer to a court of record
2 for appropriate action every alleged showing of contempt in the carrying out of the
3 lawful decisions of the supplemental court commissioner.

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

5 ✓ 757.69 (8) Any decision of a circuit court commissioner shall be reviewed by the
6 judge of the branch of court to which the case has been assigned, upon motion of any
7 party. Any determination, order[✓] or ruling by a circuit court commissioner may be
8 certified to the branch of court to which the case has been assigned, upon a motion
9 of any party for a hearing de novo.

10 ✓ SECTION 106. 757.695[✓] of the statutes is repealed.

11 ✓ SECTION 107. 757.70 (2) of the statutes is amended to read:

12 757.70 (2) All hearings before a circuit or supplemental court commissioner
13 shall be held in the county courthouse or other court facilities provided by law. This
14 provision does not apply to nontestimonial proceedings, supplementary[✓] hearings[✓] on
15 the present financial status of a debtor under s. ~~757.69 (3)~~ ^{757.675 (2)} (h) or
16 depositions taken before a circuit or supplemental court commissioner.

17 ✓ SECTION 108. 757.72 (title) of the statutes is repealed.

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

20 ✓ 757.68 (4m) In counties having a population of 500,000 or more, there is
21 created in the classified civil service a circuit court commissioner position to
22 supervise the office of probate court commissioner and to assist the court in probate
23 matters. In counties having a population of at least 100,000 but not more than
24 500,000, the county board may create a circuit court commissioner position to
25 supervise the office of probate court commissioner which and to assist in probate

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SECTION 109

1 matters. That position may be in the classified civil service. If the chief judge
2 delegates that authority to a judge assigned to probate jurisdiction, that judge may
3 assign to the circuit court commissioner any matters over which the judge has
4 jurisdiction, and the circuit court commissioner may determine such matters and
5 may sign any order or certificate required by that determination.

6 ✓ SECTION 110. 757.72 (2) ✓ of the statutes is repealed.

7 ✓ SECTION 111. 757.72 (3) ✓ of the statutes is repealed.

8 ✓ SECTION 112. 757.72 (4) ✓ of the statutes is repealed. ✓

9 ✓ SECTION 113. 757.72 (5) ✓ of the statutes is renumbered 851.73 (1) (g) and
10 amended to read:

11 ✓ 851.73 (1) (g) ~~The register in probate of a county shall~~ Shall have the duties and
12 powers of a ~~circuit~~ ^{probate} court commissioner assigned to assist in probate matters and shall
13 act in that capacity when designated to do so by a judge assigned probate jurisdiction.

14 ✓ SECTION 114. 757.72 (6) ✓ of the statutes is repealed.

15 ✓ SECTION 115. 757.72 (7) ✓ of the statutes is repealed.

16 ✓ SECTION 116. 757.72 (8) ✓ of the statutes is repealed.

17 ✓ SECTION 117. 757.81 (2) ✓ of the statutes is repealed.

18 ✓ SECTION 118. 757.81 (6) of the statutes is amended to read:

19 757.81 (6) "Permanent disability" means a physical or mental incapacity which
20 impairs the ability of a judge or circuit or supplemental court commissioner to
21 substantially perform the duties of his or her judicial office and which is or is likely
22 to be of a permanent or continuing nature.

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

24 ✓ 757.85 (1) (a) The commission shall investigate any possible misconduct or
25 permanent disability of a judge or circuit or supplemental court commissioner.

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1 Misconduct constitutes cause under article VII, section 11, of the constitution.
2 Except as provided in par. (b), judges, circuit or supplemental court commissioners,
3 clerks, court reporters, court employes and attorneys shall comply with requests by
4 the commission for information, documents and other materials relating to an
5 investigation under this section.

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

7 ✓ 757.85 (1) (b) The judge or circuit or supplemental court commissioner who is
8 under investigation is not subject to the request procedure under par. (a) but is
9 subject to the subpoena procedure under sub. (2).

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

11 ✓ 757.85 (3) The commission may notify a judge or circuit or supplemental court
12 commissioner that the commission is investigating possible misconduct by or
13 permanent disability of the judge or circuit or supplemental court commissioner.
14 Before finding probable cause, the commission shall notify the judge or circuit or
15 supplemental court commissioner of the substance of the complaint or petition and
16 afford the judge or circuit or supplemental court commissioner a reasonable
17 opportunity to respond. If the judge or circuit or supplemental court commissioner
18 responds, the commission shall consider the response before it finds probable cause.

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

20 ✓ 757.85 (4) The commission may require a judge or circuit or supplemental court
21 commissioner who is under investigation for permanent disability to submit to a
22 medical examination arranged by the commission.

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

24 ✓ 757.85 (5) The commission shall, upon a finding of probable cause that a judge
25 or circuit or supplemental court commissioner has engaged or is engaging in

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1 misconduct, file a formal complaint with the supreme court. Upon a finding of
2 probable cause that a judge or circuit or supplemental court commissioner has a
3 permanent disability, the commission shall file a petition with the supreme court.
4 If the commission requests a jury under s. 757.87 (1), the request shall be attached
5 to the formal complaint or the petition.

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

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

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

17 ✓ **757.89 Hearing.** A record shall be kept of any hearing on a formal complaint
18 or a petition. The allegations of the complaint or petition must be proven to a
19 reasonable certainty by evidence that is clear, satisfactory and convincing. The
20 hearing shall be held in the county where the judge or circuit or supplemental court
21 commissioner resides unless the presiding judge changes venue for cause shown or
22 unless the parties otherwise agree. If the hearing is by a panel, the panel shall make
23 findings of fact, conclusions of law and recommendations regarding appropriate
24 discipline for misconduct or appropriate action for permanent disability and file the
25 findings, conclusions and recommendations with the supreme court. If a jury

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1 hearing is requested under s. 757.87 (1), the presiding judge shall instruct the jury
2 regarding the law applicable to judicial misconduct or permanent disability, as
3 appropriate. The presiding judge shall file the jury verdict and his or her
4 recommendations regarding appropriate discipline for misconduct or appropriate
5 action for permanent disability with the supreme court.

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

7 ✓ 757.93 (1) (a) All proceedings under ss. 757.81 to 757.99 relating to misconduct
8 or permanent disability prior to the filing of a petition or formal complaint by the
9 commission are confidential unless a judge or circuit or supplemental court
10 commissioner waives the right to confidentiality in writing to the commission. Any
11 such waiver does not affect the confidentiality of the identity of a person providing
12 information under par. (b).

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

14 ✓ 757.93 (1) (b) Any person who provides information to the commission
15 concerning possible misconduct or permanent disability may request that the
16 commission not disclose his or her identity to the judge or circuit or supplemental
17 court commissioner prior to the filing of a petition or a formal complaint by the
18 commission.

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

20 757.93 (2) If prior to the filing of a formal complaint or a petition an
21 investigation of possible misconduct or permanent disability becomes known to the
22 public, the commission may issue statements in order to confirm the pendency of the
23 investigation, to clarify the procedural aspects of the disciplinary proceedings, to
24 explain the right of the judge or circuit or supplemental court commissioner to a fair
25 hearing without prejudgment, to state that the judge or circuit or supplemental court

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1 commissioner denies the allegations, to state that an investigation has been
2 completed and no probable cause was found or to correct public misinformation.

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

4 ✓ 757.93 (4) (a) Referring to the director of state courts information relating to
5 an alleged delay or an alleged temporary disability of a judge or circuit or
6 supplemental court commissioner.

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

8 ✓ **757.95 Temporary suspension by supreme court.** The supreme court may,
9 following the filing of a formal complaint or a petition by the commission, prohibit
10 a judge or circuit or supplemental court commissioner from exercising the powers of
11 a judge or circuit or supplemental court commissioner pending final determination
12 of the proceedings.

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

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

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