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1 ✓ 813.12 (5) (c) A judge or family circuit court commissioner shall accept any
2 legible petition for a temporary restraining order or injunction.

3 SECTION 272. 813.12 (6) (a) of the statutes is amended to read:

4 ✓ 813.12 (6) (a) If an order is issued under this section, upon request by the
5 petitioner the court or family circuit court commissioner shall order the sheriff to
6 accompany the petitioner and assist in placing him or her in physical possession of
7 his or her residence or to otherwise assist in executing or serving the temporary
8 restraining order or injunction. The petitioner may, at the petitioner's expense, use
9 a private process server to serve papers on the respondent.

10 SECTION 273. 813.12 (7m) of the statutes is amended to read:

11 ✓ 813.12 (7m) TRANSCRIPTS. The judge or family circuit court commissioner shall
12 record the temporary restraining order or injunction hearing upon the request of the
13 petitioner.

14 SECTION 274. 813.122 (3) (a) of the statutes is amended to read:

15 ✓ 813.122 (3) (a) Procedure for an action under this section is in 2 parts. First,
16 if the petitioner requests a temporary restraining order, the court or circuit court
17 commissioner shall issue or refuse to issue that order. Second, the court shall hold
18 a hearing under sub. (5) on whether to issue an injunction, which is the final relief.
19 If the court or circuit court commissioner issues a temporary restraining order, the
20 order shall set forth the date for the hearing on an injunction. If the court or circuit
21 court commissioner does not issue a temporary restraining order, the date for the
22 hearing shall be set upon motion by either party.

23 SECTION 275. 813.122 (3) (b) (intro.) of the statutes is amended to read:

24 ✓ 813.122 (3) (b) (intro.) The court or circuit court commissioner, on its or his or
25 her own motion or the motion of any party, may order one or more of the following:

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SECTION 276

1 **SECTION 276.** 813.122 (3) (bm) of the statutes is amended to read:

2 ✓ 813.122 (3) (bm) The court or circuit court commissioner shall appoint a
3 guardian ad litem if the respondent is a parent of the child.

4 **SECTION 277.** 813.122 (4) (a) (intro.) of the statutes is amended to read:

5 ✓ 813.122 (4) (a) (intro.) A judge or circuit court commissioner shall issue a
6 temporary restraining order ordering the respondent to avoid the child victim's
7 residence or any premises temporarily occupied by the child victim or both, and to
8 avoid contacting or causing any person other than a party's attorney to contact the
9 child victim unless the petitioner consents in writing and the judge or circuit court
10 commissioner agrees that the contact is in the best interests of the child victim, if all
11 of the following occur:

12 **SECTION 278.** 813.122 (4) (a) 1. of the statutes is amended to read:

13 ✓ 813.122 (4) (a) 1. The petitioner submits to the judge or circuit court
14 commissioner a petition alleging the elements set forth under sub. (6) (a).

15 **SECTION 279.** 813.122 (4) (a) 2. of the statutes is amended to read:

16 ✓ 813.122 (4) (a) 2. The judge or circuit court commissioner finds reasonable
17 grounds to believe that the respondent has engaged in, or based on prior conduct of
18 the child victim and the respondent may engage in, abuse of the child victim.

19 **SECTION 280.** 813.122 (5m) (a) 2. of the statutes is amended to read:

20 ✓ 813.122 (5m) (a) 2. Except as provided in par. (ag), require the respondent to
21 surrender any firearms that he or she owns or has in his or her possession to the
22 sheriff of the county in which the action under this section was commenced, to the
23 sheriff of the county in which the respondent resides or to another person designated
24 by the respondent and approved by the judge or circuit court commissioner. The
25 judge or circuit court commissioner shall approve the person designated by the

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1 respondent unless the judge or circuit court commissioner finds that the person is
2 inappropriate and places the reasons for the finding on the record. If a firearm is
3 surrendered to a person designated by the respondent and approved by the judge or
4 circuit court commissioner, the judge or circuit court commissioner shall inform the
5 person to whom the firearm is surrendered of the requirements and penalties under
6 s. 941.29 (4).

7 **SECTION 281.** 813.122 (5m) (b) (intro.) of the statutes is amended to read:

8 ✓ 813.122 (5m) (b) (intro.) A firearm surrendered under par. (a) 2. may not be
9 returned to the respondent until a judge or circuit court commissioner determines
10 all of the following:

11 **SECTION 282.** 813.122 (5m) (b) 2. of the statutes is amended to read:

12 ✓ 813.122 (5m) (b) 2. That the person is not prohibited from possessing a firearm
13 under any state or federal law or by the order of any federal court or state court, other
14 than an order from which the judge or circuit court commissioner is competent to
15 grant relief.

16 **SECTION 283.** 813.122 (9) (a) of the statutes is amended to read:

17 ✓ 813.122 (9) (a) If an order is issued under this section, upon request by the
18 petitioner, the court or circuit court commissioner, as applicable, shall order the
19 sheriff to assist in executing or serving the temporary restraining order or
20 injunction.

21 **SECTION 284.** 813.123 (3) (a) of the statutes is amended to read:

22 ✓ 813.123 (3) (a) Procedure for an action under this section is in 2 parts. First,
23 if the petitioner requests a temporary restraining order, the court or circuit court
24 commissioner shall issue or refuse to issue that order. Second, the court shall hold
25 a hearing under sub. (5) on whether to issue an injunction, which is the final relief.

ASSEMBLY BILL 380**SECTION 284**

1 If the court or circuit court commissioner issues a temporary restraining order, the
2 order shall set forth the date for the hearing on an injunction. If the court or circuit
3 court commissioner does not issue a temporary restraining order, the date for the
4 hearing shall be set upon motion by either party.

5 **SECTION 285.** 813.123 (3) (b) (intro.) of the statutes is amended to read:

6 ✓ 813.123 (3) (b) (intro.) The court or circuit court commissioner, on its or his or
7 her own motion or the motion of any party, may order one or more of the following:

8 **SECTION 286.** 813.123 (4) (a) of the statutes is amended to read:

9 ✓ 813.123 (4) (a) Unless the vulnerable adult, guardian or guardian ad litem
10 consents in writing and the judge or circuit court commissioner agrees that the
11 contact is in the best interests of the vulnerable adult, a judge or circuit court
12 commissioner shall issue a temporary restraining order ordering the respondent to
13 avoid interference with an investigation of the vulnerable adult under s. 55.043, the
14 delivery of protective services to the vulnerable adult under s. 55.05 or a protective
15 placement of the vulnerable adult under s. 55.06 if all of the following occur:

16 1. The petitioner submits to the judge or circuit court commissioner a petition
17 alleging the elements set forth under sub. (6).

18 2. The judge or circuit court commissioner finds reasonable grounds to believe
19 that the respondent has interfered with, or based on prior conduct of the respondent
20 may interfere with, an investigation of the vulnerable adult under s. 55.043, the
21 delivery of protective services to the vulnerable adult under s. 55.05 or a protective
22 placement of the vulnerable adult under s. 55.06.

23 **SECTION 287.** 813.123 (8) (a) of the statutes is amended to read:

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1 ✓ 813.123 (8) (a) If an order is issued under this section, upon request by the
2 petitioner, the court or circuit court commissioner shall order the sheriff to assist in
3 executing or serving the temporary restraining order or injunction.

4 SECTION 288. 813.125 (3) (a) (intro.) of the statutes is amended to read:

5 ✓ 813.125 (3) (a) (intro.) A judge or circuit court commissioner may issue a
6 temporary restraining order ordering the respondent to cease or avoid the
7 harassment of another person, if all of the following occur:

8 SECTION 289. 813.125 (3) (a) 2. of the statutes is amended to read:

9 ✓ 813.125 (3) (a) 2. The judge or circuit court commissioner finds reasonable
10 grounds to believe that the respondent has violated s. 947.013.

11 SECTION 290. 813.125 (3) (c) of the statutes is amended to read:

12 ✓ 813.125 (3) (c) The temporary restraining order is in effect until a hearing is
13 held on issuance of an injunction under sub. (4). A judge or circuit court
14 commissioner shall hold a hearing on issuance of an injunction within 7 days after
15 the temporary restraining order is issued, unless the time is extended upon the
16 written consent of the parties or extended once for 7 days upon a finding that the
17 respondent has not been served with a copy of the temporary restraining order
18 although the petitioner has exercised due diligence.

19 SECTION 291. 813.125 (4) (a) (intro.) of the statutes is amended to read:

20 ✓ 813.125 (4) (a) (intro.) A judge or circuit court commissioner may grant an
21 injunction ordering the respondent to cease or avoid the harassment of another
22 person, if all of the following occur:

23 SECTION 292. 813.125 (4) (a) 2. of the statutes is amended to read:

24 ✓ 813.125 (4) (a) 2. The petitioner serves upon the respondent a copy of a
25 restraining order obtained under sub. (3) and notice of the time for the hearing on

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1 the issuance of the injunction under sub. (3) (c). The restraining order or notice of
2 hearing served under this subdivision shall inform the respondent that, if the judge
3 or circuit court commissioner issues an injunction, the judge or circuit court
4 commissioner may also order the respondent not to possess a firearm while the
5 injunction is in effect.

6 **SECTION 293.** 813.125 (4) (a) 3. of the statutes is amended to read:

7 ✓ 813.125 (4) (a) 3. After hearing, the judge or circuit court commissioner finds
8 reasonable grounds to believe that the respondent has violated s. 947.013.

9 **SECTION 294.** 813.125 (4m) (a) of the statutes is amended to read:

10 ✓ 813.125 (4m) (a) If a judge or circuit court commissioner issues an injunction
11 under sub. (4) and the judge or circuit court commissioner determines, based on clear
12 and convincing evidence presented at the hearing on the issuance of the injunction,
13 that the respondent may use a firearm to cause physical harm to another or to
14 endanger public safety, the judge or circuit court commissioner may prohibit the
15 respondent from possessing a firearm.

16 **SECTION 295.** 813.125 (4m) (c) 2. of the statutes is amended to read:

17 ✓ 813.125 (4m) (c) 2. Except as provided in par. (cg), require the respondent to
18 surrender any firearms that he or she owns or has in his or her possession to the
19 sheriff of the county in which the action under this section was commenced, to the
20 sheriff of the county in which the respondent resides or to another person designated
21 by the respondent and approved by the judge or circuit court commissioner. The
22 judge or circuit court commissioner shall approve the person designated by the
23 respondent unless the judge or circuit court commissioner finds that the person is
24 inappropriate and places the reasons for the finding on the record. If a firearm is
25 surrendered to a person designated by the respondent and approved by the judge or

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1 circuit court commissioner, the judge or circuit court commissioner shall inform the
2 person to whom the firearm is surrendered of the requirements and penalties under
3 s. 941.29 (4).

4 **SECTION 296.** 813.125 (4m) (d) (intro.) of the statutes is amended to read:

5 ✓ 813.125 (4m) (d) (intro.) A firearm surrendered under par. (c) 2. may not be
6 returned to the respondent until a judge or circuit court commissioner determines
7 all of the following:

8 **SECTION 297.** 813.125 (4m) (d) 2. of the statutes is amended to read:

9 ✓ 813.125 (4m) (d) 2. That the person is not prohibited from possessing a firearm
10 under any state or federal law or by the order of any federal court or state court, other
11 than an order from which the judge or circuit court commissioner is competent to
12 grant relief.

13 **SECTION 298.** 813.125 (5) (am) of the statutes is amended to read:

14 ✓ 813.125 (5) (am) The petition shall inform the respondent that, if the judge or
15 circuit court commissioner issues an injunction, the judge or circuit court
16 commissioner may also order the respondent not to possess a firearm while the
17 injunction is in effect.

18 **SECTION 299.** 814.615 (3) of the statutes is amended to read:

19 ✓ 814.615 (3) The court or family a circuit court commissioner shall direct either
20 or both parties to pay any applicable fee under this section. If either or both parties
21 are unable to pay, the court shall grant a separate judgment for the amount of the
22 fees in favor of the county and against the party or parties responsible for the fees.

23 **SECTION 300.** 814.68 (title) of the statutes is amended to read:

24 ✓ **814.68 (title) Fees of supplemental court commissioners.**

25 **SECTION 301.** 814.68 (1) (intro.) of the statutes is amended to read:

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SECTION 301

1 ✓ 814.68 (1) ~~PART-TIME~~ SUPPLEMENTAL COURT COMMISSIONERS. (intro.) A ~~part-time~~
2 supplemental court commissioner appointed under s. ~~757.68 (2)~~ 757.675 (1) shall
3 collect the following fees:

4 **SECTION 302.** 814.68 (1) (a) of the statutes is amended to read:

5 ✓ 814.68 (1) (a) A fee of \$1 for each decision, signing or filing of a document or
6 other ministerial act required by law performed by a ~~part-time~~ supplemental court
7 commissioner. This paragraph does not apply to testimonial proceedings or
8 depositions taken before a supplemental court commissioner.

9 **SECTION 303.** 814.68 (1) (b) (intro.) of the statutes is amended to read:

10 ✓ 814.68 (1) (b) (intro.) For the following duties performed by a ~~part-time~~
11 supplemental court commissioner held in the county courthouse or other court
12 facilities provided by law, reasonable compensation as fixed by the court but not more
13 than the hourly equivalent of the salary of a judge of the court:

14 **SECTION 304.** 814.68 (1) (b) 1. of the statutes is amended to read:

15 ✓ 814.68 (1) (b) 1. Every attendance upon the hearing of any motion for an order
16 which a supplemental court commissioner is authorized to grant and for attendance
17 upon any motion or an official act to be done by the supplemental court commissioner.

18 **SECTION 305.** 814.68 (2) ~~of~~ of the statutes is amended to read:

19 ✓ 814.68 (2) **SUPPLEMENTARY EXAMINATIONS.** For attendance upon an examination
20 under ch. 816, a supplemental court commissioner shall collect a fee of \$15 to be paid
21 upon the issuance of the order under s. 816.03 (1). The fee shall be returned in any
22 case where it appears by affidavit filed that the order was not served upon the
23 judgment debtor. This fee is the only fee a supplemental court commissioner is
24 entitled to for proceedings under ch. 816.

25 **SECTION 306.** 816.03 (1) (b) of the statutes is amended to read:

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1 ✓ 816.03 (1) (b) A supplemental court commissioner upon application of a
2 judgment creditor shall order any judgment debtor to appear before the court
3 commissioner and answer concerning the judgment debtor's property at a time and
4 place specified in the order, within said county, in lieu of the procedure set forth in
5 par. (a).

6 SECTION 307. 816.035 (1) and (2) of the statutes are amended to read:

7 ✓ 816.035 (1) An order under s. 816.03 (1) issued by a supplemental court
8 commissioner shall be served in the same manner as the service of a summons under
9 s. 801.11. The return on the order shall be made to the commissioner who issued the
10 order. The commissioner shall file the order and the return with the clerk of the court
11 in which the judgment involved is entered.

12 (2) Upon issuance of the order, the supplemental court commissioner shall
13 collect the fee prescribed in s. 814.68 (2) for attendance upon the examination.

14 SECTION 308. 818.02 (6) of the statutes is amended to read:

15 ✓ 818.02 (6) In a proceeding to determine paternity or to establish or revise a
16 child support or maintenance obligation, if the court or family a circuit court
17 commissioner finds that the petitioner cannot effect service of process upon the
18 respondent despite due diligence on the part of the petitioner or after the respondent
19 is personally served but fails to appear on the return date, on the date set for the
20 pretrial hearing or on the date set for the trial.

21 SECTION 309. 879.61 of the statutes is amended to read:

22 ✓ 879.61 **Discovery proceedings.** Any personal representative or any person
23 interested who suspects that any other person has concealed, stolen, conveyed or
24 disposed of property of the estate; or is indebted to the decedent; possesses, controls
25 or has knowledge of concealed property of the decedent; possesses, controls or has

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SECTION 309

1 knowledge of writings which contain evidence of or tend to disclose the right, title,
2 interest or claim of the decedent to any property; or possesses, controls or has
3 knowledge of any will of the decedent, may file a petition in the court so stating. The
4 court upon such notice as it directs, may order the other person to appear before the
5 court or a circuit court commissioner for disclosure, may subpoena witnesses and
6 compel the production of evidence, and may make any order in relation to the matter
7 as is just and proper.

8 **SECTION 310.** 885.10 of the statutes is amended to read:

9 **885.10 Witness for indigent respondent or defendant.** Upon satisfactory
10 proof of the financial inability of the respondent or defendant to procure the
11 attendance of witnesses for his or her defense, the judge or supplemental court
12 commissioner, in any paternity proceeding or criminal action or proceeding, or in any
13 other case in which the respondent or defendant is represented by the state public
14 defender or by assigned counsel under s. 977.08, to be tried or heard before him or
15 her, may direct the witnesses to be subpoenaed as he or she determines is proper and
16 necessary, upon the respondent's or defendant's oath or affidavit or that of the
17 respondent's or defendant's attorney. Witnesses so subpoenaed shall be paid their
18 fees in the manner that witnesses for the state therein are paid. Determination of
19 indigency, in full or in part, under s. 977.07 is proof of the respondent's or defendant's
20 financial inability to procure the attendance of witnesses for his or her defense.

21 **SECTION 311.** 885.12 of the statutes is amended to read:

22 **885.12 Coercing witnesses before officers and boards.** If any person,
23 without reasonable excuse, fails to attend as a witness, or to testify as lawfully
24 required before any arbitrator, coroner, medical examiner, board, commission,
25 commissioner, examiner, committee, or other officer or person authorized to take

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1 testimony, or to produce a book or paper which the person was lawfully directed to
2 bring, or to subscribe the person's deposition when correctly reduced to writing, any
3 judge of a court of record or a circuit court commissioner in the county where the
4 person was obliged to attend may, upon sworn proof of the facts, issue an attachment
5 for the person, and unless the person shall purge the contempt and go and testify or
6 do such other act as required by law, may commit the person to close confinement in
7 the county jail until the person shall so testify or do such act, or be discharged
8 according to law. The sheriff of the county shall execute the commitment.

9 **SECTION 312.** 887.26 (7) of the statutes is amended to read:

10 ✓ **887.26 (7) FEES.** The persons who take depositions and the witness shall be
11 entitled to the fees allowed supplemental court commissioners under s. 814.68 (1)
12 and witnesses for similar service by the law of this state, or such as may be prescribed
13 by the law of the state or country where taken.

14 **SECTION 313.** 898.02 of the statutes is amended to read:

15 ✓ **898.02 Notice to plaintiff.** The person shall cause notice to be given to the
16 plaintiff in the action, the plaintiff's agent or attorney, in writing, that at a time and
17 place specified in the notice the person will apply to the circuit judge or circuit court
18 commissioner of the county in which the person is so confined for the purpose of
19 obtaining a discharge from imprisonment.

20 **SECTION 314.** 898.04 of the statutes is amended to read:

21 ✓ **898.04 Prisoner to be examined.** At the time and place specified in the
22 notice the person shall be taken, under the custody of the jailer, the sheriff or the
23 sheriff's deputy, before the circuit judge or circuit court commissioner, who shall
24 examine the prisoner on oath concerning his or her estate and effects and the
25 disposal thereof and the prisoner's ability to pay the judgment for which he or she

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SECTION 314

1 is committed; and who shall also hear any other legal and pertinent evidence that
2 may be produced by the debtor or the creditor.

3 **SECTION 315.** 898.11 of the statutes is amended to read:

4 ✓ **898.11 Inability to pay fees.** If the prisoner is unable to pay in whole or in
5 part the fees of the circuit judge or court commissioner in the proceedings, the
6 proceedings shall continue without charge to the prisoner.

7 **SECTION 316.** 906.15 (1) of the statutes is amended to read:

8 ✓ **906.15 (1)** At the request of a party, the judge or a circuit court commissioner
9 shall order witnesses excluded so that they cannot hear the testimony of other
10 witnesses. The judge or circuit court commissioner may also make the order of his
11 or her own motion.

12 **SECTION 317.** 906.15 (2) (d) of the statutes is amended to read:

13 ✓ **906.15 (2) (d)** A victim, as defined in s. 950.02 (4), in a criminal case or a victim,
14 as defined in s. 938.02 (20m), in a delinquency proceeding under ch. 938, unless the
15 judge or circuit court commissioner finds that exclusion of the victim is necessary to
16 provide a fair trial for the defendant or a fair fact-finding hearing for the juvenile.
17 The presence of a victim during the testimony of other witnesses may not by itself
18 be a basis for a finding that exclusion of the victim is necessary to provide a fair trial
19 for the defendant or a fair fact-finding hearing for the juvenile.

20 **SECTION 318.** 906.15 (3) of the statutes is amended to read:

21 ✓ **906.15 (3)** The judge or circuit court commissioner may direct that all excluded
22 and non-excluded witnesses be kept separate until called and may prevent them
23 from communicating with one another until they have been examined or the hearing
24 is ended.

25 ✓ **SECTION 319.** 911.01 (1) of the statutes is amended to read:

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1 ✓ 911.01 (1) COURTS AND COURT COMMISSIONERS. Chapters 901 to 911 apply to the
2 courts of the state of Wisconsin, including municipal courts, ~~family court~~
3 ~~commissioners~~, and circuit, supplemental, and municipal court commissioners, in the
4 proceedings and to the extent hereinafter set forth except as provided in s. 972.11.
5 The word "judge" in chs. 901 to 911 means judge of a court of record, municipal judge,
6 family or circuit, supplemental, or municipal court commissioner, ~~and court~~
7 ~~commissioner~~.

8 SECTION 320. 938.06 (1) (a) 2. of the statutes is amended to read:

9 ✓ 938.06 (1) (a) 2. The chief judge of the judicial administrative district shall
10 formulate written judicial policy governing intake and court services for juvenile
11 matters under this chapter and the director shall be charged with executing the
12 judicial policy. The chief judge shall direct and supervise the work of all personnel
13 of the court, except the work of the district attorney or corporation counsel assigned
14 to the court. The chief judge may delegate his or her supervisory functions ~~under s.~~
15 ~~938.065 (1)~~.

16 ✓ SECTION 321. 938.065 of the statutes is repealed.

17 SECTION 322. 938.208 (4) of the statutes is amended to read:

18 ✓ 938.208 (4) Probable cause exists to believe that the juvenile, having been
19 placed in nonsecure custody by an intake worker under s. 938.207 or by the judge or
20 juvenile circuit court commissioner under s. 938.21 (4), has run away or committed
21 a delinquent act and no other suitable alternative exists.

22 SECTION 323. 938.21 (1) (a) of the statutes is amended to read:

23 ✓ 938.21 (1) (a) If a juvenile who has been taken into custody is not released
24 under s. 938.20, a hearing to determine whether the juvenile shall continue to be held
25 in custody under the criteria of ss. 938.205 to 938.209 (1) shall be conducted by the

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1 judge or juvenile a circuit court commissioner within 24 hours after the end of the
2 day that the decision to hold the juvenile was made, excluding Saturdays, Sundays
3 and legal holidays. By the time of the hearing a petition under s. 938.25 shall be filed,
4 except that no petition need be filed where a juvenile is taken into custody under s.
5 938.19 (1) (b) or (d) 2., 6. or 7. or where the juvenile is a runaway from another state,
6 in which case a written statement of the reasons for holding a juvenile in custody
7 shall be substituted if the petition is not filed. If no hearing has been held within 24
8 hours or if no petition or statement has been filed at the time of the hearing, the
9 juvenile shall be released except as provided in par. (b). A parent not present at the
10 hearing shall be granted a rehearing upon request.

11 **SECTION 324.** 938.21 (1) (b) of the statutes is amended to read:

12 ✓ 938.21 (1) (b) If no petition has been filed by the time of the hearing, a juvenile
13 may be held in custody with the approval of the judge or juvenile circuit court
14 commissioner for an additional 48 hours from the time of the hearing only if, as a
15 result of the facts brought forth at the hearing, the judge or juvenile circuit court
16 commissioner determines that probable cause exists to believe that the juvenile is
17 an imminent danger to himself or herself or to others, or that probable cause exists
18 to believe that the parent, guardian or legal custodian of the juvenile or other
19 responsible adult is neglecting, refusing, unable or unavailable to provide adequate
20 supervision and care. The extension may be granted only once for any petition. In
21 the event of failure to file a petition within the 48-hour extension period provided
22 for in this paragraph, the judge or juvenile circuit court commissioner shall order the
23 juvenile's immediate release from custody.

24 **SECTION 325.** 938.21 (2) (c) of the statutes is amended to read:

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1 ✓ 938.21 (2) (c) Prior to the commencement of the hearing, the juvenile shall be
2 informed by the judge or juvenile circuit court commissioner of the allegations that
3 have been or may be made, the nature and possible consequences of this hearing as
4 compared to possible future hearings, the provisions of s. 938.18 if applicable, the
5 right to counsel under s. 938.23 regardless of ability to pay if the juvenile is not yet
6 represented by counsel, the right to remain silent, the fact that the silence may not
7 be adversely considered by the judge or juvenile circuit court commissioner, the right
8 to confront and cross-examine witnesses and the right to present witnesses.

9 ✓ SECTION 326. 938.21 (4) (intro.) of the statutes is amended to read:

10 ✓ 938.21 (4) (intro.) If the judge or juvenile circuit court commissioner finds that
11 the juvenile should be continued in custody under the criteria of s. 938.205, he or she
12 shall enter one of the following orders:

13 SECTION 327. 938.21 (4m) of the statutes is amended to read:

14 ✓ 938.21 (4m) ELECTRONIC MONITORING. The judge or juvenile circuit court
15 commissioner may include in an order under sub. (4) (a) or (b) a condition that the
16 juvenile be monitored by an electronic monitoring system.

17 SECTION 328. 938.21 (7) of the statutes is amended to read:

18 ✓ 938.21 (7) DEFERRED PROSECUTION. If the judge or juvenile circuit court
19 commissioner determines that the best interests of the juvenile and the public are
20 served, he or she may enter a consent decree under s. 938.32 or order the petition
21 dismissed and refer the matter to the intake worker for deferred prosecution in
22 accordance with s. 938.245.

23 SECTION 329. 938.24 (5) of the statutes is amended to read:

24 938.24 (5) The intake worker shall request that a petition be filed, enter into
25 a deferred prosecution agreement or close the case within 40 days or sooner of receipt

1 of referral information. ~~Before entering into a deferred prosecution agreement, the~~
2 intake worker shall comply with s. 938.245 (1m), if applicable. If the case is closed
3 or a deferred prosecution agreement is entered into, the district attorney, corporation
4 counsel or other official under s. 938.09 shall receive written notice of such action.
5 If the case is closed, the known victims of the juvenile's alleged act shall receive notice
6 as provided under sub. (5m), if applicable. In addition, if a deferred prosecution
7 agreement is entered into placing a juvenile in a youth village program as described
8 in s. 118.42, the judge or juvenile circuit court commissioner shall receive written
9 notice of such action and, on receipt of that notice, shall enter an order requiring
10 compliance with that agreement. A notice of deferred prosecution of an alleged
11 delinquency case shall include a summary of the facts surrounding the allegation
12 and a list of prior intake referrals and dispositions. If a law enforcement officer has
13 made a recommendation concerning the juvenile, the intake worker shall forward
14 this recommendation to the district attorney under s. 938.09. Notwithstanding the
15 requirements of this section, the district attorney may initiate a delinquency petition
16 under s. 938.25 within 20 days after notice that the case has been closed or that a
17 deferred prosecution agreement has been entered into. The judge shall grant
18 appropriate relief as provided in s. 938.315 (3) with respect to any such petition
19 which is not referred or filed within the time limits specified within this subsection.
20 Failure to object if a petition is not referred or filed within a time limit specified in
21 this subsection waives that time limit.

22 **SECTION 330.** 938.245 (3) of the statutes is amended to read:

23 938.245 (3) The obligations imposed under a deferred prosecution agreement
24 and its effective date shall be set forth in writing. If the deferred prosecution
25 agreement places the juvenile in a youth village program under sub. (2) (a) 9., the

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1 judge or juvenile circuit court commissioner shall receive written notice that a
 2 deferred prosecution agreement has been entered into and, on receipt of that notice,
 3 shall enter an order requiring compliance with that agreement. The juvenile and a
 4 parent, guardian and legal custodian shall receive a copy of the agreement and order,
 5 as shall any agency providing services under the agreement.

6 SECTION 331. 938.30 (9) of the statutes is amended to read:

7 ✓ 938.30 (9) If a circuit court commissioner conducts the plea hearing and accepts
 8 an admission of the alleged facts in a petition brought under s. 938.12 or 938.13, the
 9 judge shall review the admission at the beginning of the dispositional hearing by
 10 addressing the parties and making the inquires set forth in sub. (8).

11 SECTION 332. 938.32 (1) (a) of the statutes is amended to read:

12 938.32 (1) (a) At any time after the filing of a petition for a proceeding relating
 13 to s. 938.12 or 938.13 and before the entry of judgment, the judge or juvenile circuit
 14 court commissioner may suspend the proccedings and place the juvenile under
 15 supervision in the juvenile's own home or present placement or in a youth village
 16 program as described in s. 118.42. The court may establish terms and conditions
 17 applicable to the parent, guardian or legal custodian, and to the juvenile, including
 18 any of the conditions specified in subs. (1d), (1g), (1m), (1t), (1v) and (1x). The order
 19 under this section shall be known as a consent decree and must be agreed to by the
 20 juvenile; the parent, guardian or legal custodian; and the person filing the petition
 21 under s. 938.25. If the consent decree includes any conditions specified in sub. (1g),
 22 the consent decree shall include provisions for payment of the services as specified
 23 in s. 938.361. The consent decree shall be reduced to writing and given to the parties.

24 SECTION 333. 938.32 (1d) of the statutes is amended to read:

✓
Insert
117-23

ASSEMBLY BILL 380

SECTION 333

1 ✓ 938.32 (1d) If the petition alleges that the juvenile has committed an act that
2 would constitute a misdemeanor if committed by an adult, if the chief judge of the
3 judicial administrative district has approved under s. 973.11 (2) a volunteers in
4 probation program established in the juvenile's county of residence and if the judge
5 or juvenile circuit court commissioner determines that volunteer supervision under
6 that volunteers in probation program will likely benefit the juvenile and the
7 community, the judge or juvenile circuit court commissioner may establish as a
8 condition under sub. (1) that the juvenile be placed with that volunteers in probation
9 program under such conditions as the judge or juvenile circuit court commissioner
10 determines are reasonable and appropriate. These conditions may include, but need
11 not be limited to, any of the following:

12 (a) A directive to a volunteer to provide for the juvenile a role model, informal
13 counseling, general monitoring and monitoring of the conditions established by the
14 judge or juvenile circuit court commissioner, or any combination of these functions.

15 (b) Any other conditions that the judge or juvenile circuit court commissioner
16 may establish under this section.

17 **SECTION 334.** 938.32 (1g) (intro.) of the statutes is amended to read:

18 ✓ 938.32 (1g) (intro.) If the petition alleges that the juvenile committed a
19 violation specified under ch. 961 and if the multidisciplinary screen conducted under
20 s. 938.24 (2) shows that the juvenile is at risk of having needs and problems related
21 to the use of alcohol beverages, controlled substances or controlled substance analogs
22 and its medical, personal, family and social effects, the judge or juvenile circuit court
23 commissioner may establish as a condition under sub. (1) any of the following:

24 **SECTION 335.** 938.32 (1m) (intro.) and (a) of the statutes are amended to read:

ASSEMBLY BILL 380

LPS
Program
draft
routine

(intro.)

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✓ 938.32 (1m) The judge or juvenile circuit court commissioner may establish as a condition under sub. (1) that the juvenile be placed in a teen court program if all of the following conditions apply:

(a) The chief judge of the judicial administrative district has approved a teen court program established in the juvenile's county of residence and the judge or juvenile circuit court commissioner determines that participation in the teen court program will likely benefit the juvenile and the community.

SECTION 336. 938.32 (1t) (a) 1. of the statutes is amended to read:

✓ 938.32 (1t) (a) 1. Subject to subd. 3., if the petition alleges that the juvenile committed a delinquent act that has resulted in damage to the property of another, or in actual physical injury to another excluding pain and suffering, the judge or juvenile circuit court commissioner may require the juvenile as a condition of the consent decree, to repair the damage to property or to make reasonable restitution for the damage or injury, either in the form of cash payments or, if the victim agrees, the performance of services for the victim, or both, if the judge or juvenile circuit court commissioner, after taking into consideration the well-being and needs of the victim, considers it beneficial to the well-being and behavior of the juvenile. Any consent decree that includes a condition of restitution by a juvenile shall include a finding that the juvenile alone is financially able to pay or physically able to perform the services, may allow up to the date of the expiration of the consent decree for the payment or for the completion of the services and may include a schedule for the performance and completion of the services. Objection by the juvenile to the amount of damages claimed shall entitle the juvenile to a hearing on the question of damages before the amount of restitution is made part of the consent decree. Any recovery

ASSEMBLY BILL 380**SECTION 336**

1 under this subdivision shall be reduced by the amount recovered as restitution for
2 the same act under subd. 1m.

3 **SECTION 337.** 938.32 (1t) (a) 1m. of the statutes is amended to read:

4 ✓ 938.32 (1t) (a) 1m. If the petition alleges that the juvenile has committed a
5 delinquent act that has resulted in damage to the property of another, or in actual
6 physical injury to another excluding pain and suffering, the judge or juvenile circuit
7 court commissioner may require a parent who has custody, as defined in s. 895.035
8 (1), of the juvenile, as a condition of the consent decree, to make reasonable
9 restitution for the damage or injury. Except for recovery for retail theft under s.
10 943.51, the maximum amount of any restitution ordered under this subdivision for
11 damage or injury resulting from any one act of a juvenile or from the same act
12 committed by 2 or more juveniles in the custody of the same parent may not exceed
13 the amount specified in s. 799.01 (1) (d). Any consent decree that includes a condition
14 of restitution by a parent who has custody of the juvenile shall include a finding that
15 the parent who has custody of the juvenile is financially able to pay the amount
16 ordered and may allow up to the date of the expiration of the consent decree for the
17 payment. Objection by the parent to the amount of damages claimed shall entitle the
18 parent to a hearing on the question of damages before the amount of restitution is
19 made part of the consent decree. Any recovery under this subdivision shall be
20 reduced by the amount recovered as restitution for the same act under subd. 1.

21 **SECTION 338.** 938.32 (1t) (a) 3. of the statutes is amended to read:

22 ✓ 938.32 (1t) (a) 3. Under this paragraph, a judge or juvenile circuit court
23 commissioner may not order a juvenile who is under 14 years of age to make more
24 than \$250 in restitution or to perform more than 40 total hours of services for the
25 victim as restitution.

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1 **SECTION 339.** 938.32 (1v) of the statutes is amended to read:

2 ✓ 938.32 (1v) If the petition alleges that the juvenile is in need of protection or
3 services under s. 938.13 (6), the judge or juvenile circuit court commissioner may
4 establish as a condition under sub. (1) that the juvenile's parent, guardian or legal
5 custodian attend school with the juvenile.

6 **SECTION 340.** 938.32 (1x) of the statutes is amended to read:

7 ✓ 938.32 (1x) If the petition alleges that the juvenile violated s. 943.017 and the
8 juvenile has attained the minimum age at which a juvenile may be adjudicated
9 delinquent, the judge or juvenile circuit court commissioner may require, as a
10 condition of the consent decree, that the juvenile participate for not less than 10
11 hours nor more than 100 hours in a supervised work program under s. 938.34 (5g)
12 or perform not less than 10 hours nor more than 100 hours of other community
13 service work, except that if the juvenile has not attained 14 years of age the
14 maximum number of hours is 40.

15 **SECTION 341.** 938.32 (2) (a) of the statutes is amended to read:

16 ✓ 938.32 (2) (a) A consent decree shall remain in effect for up to one year unless
17 the juvenile, parent, guardian or legal custodian is discharged sooner by the judge
18 or juvenile circuit court commissioner.

19 **SECTION 342.** 938.32 (6) of the statutes is amended to read:

20 ✓ 938.32 (6) The judge or juvenile circuit court commissioner shall inform the
21 juvenile and the juvenile's parent, guardian or legal custodian, in writing, of the
22 juvenile's right to object to the continuation of the consent decree under sub. (3) and
23 of the fact that the hearing under which the juvenile was placed on supervision may
24 be continued to conclusion as if the consent decree had never been entered.

25 **SECTION 343.** 940.203 (1) (b) of the statutes is amended to read:

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SECTION 343

1 ✓ 940.203 (1) (b) “Judge” means a supreme court justice, court of appeals judge,
2 circuit court judge, municipal judge, temporary or permanent reserve judge^v or
3 juvenile, ~~probate, family or other~~ circuit, supplemental^v or municipal court
4 commissioner.

5 SECTION 344. 943.013 (1) (b) of the statutes is amended to read:

6 ✓ 943.013 (1) (b) “Judge” means a supreme court justice, court of appeals judge,
7 circuit court judge, municipal judge, temporary or permanent reserve judge^v or
8 juvenile, ~~probate, family or other~~ circuit, supplemental^v or municipal court
9 commissioner.

10 SECTION 345. 946.495 of the statutes is amended to read:

11 ✓ 946.495 **Violation of nonsecure custody order.** If a person has been placed
12 in nonsecure custody by an intake worker under s. 938.207 or by a judge or juvenile
13 circuit court commissioner under s. 938.21 (4) and the person is alleged to be
14 delinquent under s. 938.12, alleged to be in need of protection or services under s.
15 938.13 (12) or has been taken into custody for committing an act that is a violation
16 of a state or federal criminal law, the person is guilty of a Class A misdemeanor if he
17 or she intentionally fails to comply with the conditions of his or her placement in
18 nonsecure custody.

19 SECTION 346. 967.07 of the statutes is amended to read:

20 ✓ 967.07 **Court Circuit court commissioners.** A circuit court commissioner
21 may exercise powers or perform duties specified for a judge if such action is permitted
22 under s. 757.69.

23 SECTION 347. 971.20 (3) (a) of the statutes is amended to read:

24 ✓ 971.20 (3) (a) In this subsection, “judge” includes a circuit court commissioner
25 who is assigned to conduct the preliminary examination.

ASSEMBLY BILL 380

1 **SECTION 348.** 973.20 (13) (c) 4. of the statutes is amended to read:

2 ✓ 973.20 (13) (c) 4. Refer the disputed restitution issues to a circuit court
3 commissioner or other appropriate referee, who shall conduct a hearing on the
4 matter and submit the record thereof, together with proposed findings of fact and
5 conclusions of law, to the court within 60 days of the date of referral. Within 30 days
6 after the referee's report is filed, the court shall determine the amount of restitution
7 on the basis of the record submitted by the referee and incorporate it into the
8 sentence or probation order imposed. The judge may direct that hearings under this
9 subdivision be recorded either by audio recorder or by a court reporter. A transcript
10 is not required unless ordered by the judge.

11 **SECTION 349.** 977.05 (6) (b) 2. of the statutes is amended to read:

12 ✓ 977.05 (6) (b) 2. The judge or ~~family~~ circuit court commissioner before whom
13 the proceedings shall be held certifies to the state public defender that the person will
14 not be incarcerated if he or she is found in contempt of court.

15 **SECTION 350.** 979.05 (1) of the statutes is amended to read:

16 ✓ 979.05 (1) An inquest shall be conducted by a circuit judge or a circuit court
17 commissioner.

18 **SECTION 351.** 979.05 (2) of the statutes is repealed and recreated to read:

19 ✓ 979.05 (2) The inquest shall be conducted before a jury unless the district
20 attorney, coroner^v or medical examiner requests that the inquest be conducted before
21 the judge or circuit court commissioner only. If the inquest is to be conducted before
22 a jury, a sufficient number of names of prospective jurors shall be selected from the
23 prospective juror list for the county in which the inquest is to be held by the clerk of
24 circuit court in the manner provided in s. 756.06. The judge or circuit court
25 commissioner conducting the inquest shall summon the prospective jurors to appear

ASSEMBLY BILL 380

SECTION 351

1 before the judge or circuit court commissioner at the time fixed in the summons. The
2 summons may be served by mail, or by personal service if the judge, circuit court
3 commissioner[✓] or district attorney determines personal service to be appropriate. The
4 summons shall be in the form used to summon petit jurors in the circuit courts of the
5 county. Any person who fails to appear when summoned as an inquest juror is
6 subject to a forfeiture of not more than \$40. The inquest jury shall consist of 6 jurors.
7 If 6 jurors do not remain from the number originally summoned after establishment
8 of qualifications, the judge or circuit court commissioner conducting the inquest may
9 require the clerk of the circuit court to select sufficient additional jurors' names.
10 Those persons shall be summoned forthwith by the sheriff of the county.

11 **SECTION 352.** 979.05 (3) of the statutes is repealed and recreated to read:

12 979.05 (3) The judge or circuit court commissioner shall examine on oath or
13 affirmation each person who is called as a juror to discover whether the juror is
14 related by blood or marriage to the decedent, any member of the decedent's family,
15 the district attorney, any other attorney appearing in the case, any members of the
16 office of the district attorney or any other attorney appearing in the case or has
17 expressed or formed any opinion regarding the matters being inquired into or is
18 aware of or has any bias or prejudice concerning the matters being inquired into in
19 the inquest. If any prospective juror is found to be not indifferent or is found to have
20 formed an opinion which cannot be laid aside, that juror shall be excused. The judge
21 or circuit court commissioner may select one or more alternate jurors if the inquest
22 is likely to be protracted. This subsection does not limit the right of the district
23 attorney to supplement the judge's or circuit court commissioner's examination of
24 any prospective jurors as to qualifications.

25 ~~SECTION 353.~~ ^{SEN. 124-24} 979.05 (4) of the statutes is amended to read:

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1 ✓ 979.05 (4) When 6 jurors have been selected, the judge or circuit court
2 commissioner shall administer to them an oath or affirmation which shall be
3 substantially in the following form:

4 You do solemnly swear (affirm) that you will diligently inquire and determine
5 on behalf of this state when, and in what manner and by what means, the person
6 known as who is now dead came to his or her death and that you will return
7 a true verdict thereon according to your knowledge, according to the evidence
8 presented and according to the instructions given to you by the (judge) (circuit
9 court commissioner).

10 SECTION 354. 979.05 (5) of the statutes is amended to read:

11 ✓ 979.05 (5) Prior to the submission of evidence to the jury, the judge or circuit
12 court commissioner may instruct the jury on its duties and on the substantive law
13 regarding the issues which may be inquired into before the jury. The district attorney
14 may, at any time during the course of the inquest, make statements to the jury
15 relating to procedural or evidentiary matters he or she and the judge or circuit court
16 commissioner deem appropriate. Section 972.12 applies to the conduct of the inquest
17 jury.

18 SECTION 355. 979.05 (6) of the statutes is amended to read:

19 ✓ 979.05 (6) The judge or circuit court commissioner conducting the inquest may
20 order that proceedings be secret if the district attorney so requests or concurs.

21 SECTION 356. 979.06 (1) of the statutes is amended to read:

22 ✓ 979.06 (1) The judge or circuit court commissioner may issue subpoenas for
23 witnesses at the request of the coroner or medical examiner and shall issue
24 subpoenas for witnesses requested by the district attorney. Subpoenas are
25 returnable at the time and place stated therein. Persons who are served with a

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SECTION 356

1 subpoena may be compelled to attend proceedings in the manner provided in s.
2 885.12.

3 **SECTION 357.** 979.06 (2) of the statutes is amended to read:

4 ✓ 979.06 (2) The judge or circuit court commissioner conducting the inquest and
5 the district attorney may require by subpoena the attendance of one or more expert
6 witnesses, including physicians, surgeons and pathologists, for the purposes of
7 conducting an examination of the body and all relevant and material scientific and
8 medical tests connected with the examination and testifying as to the results of the
9 examination and tests. The expert witnesses so subpoenaed shall receive reasonable
10 fees determined by the district attorney and the judge or circuit court commissioner
11 conducting the inquest.

12 **SECTION 358.** 979.06 (3) of the statutes is amended to read:

13 ✓ 979.06 (3) Any witness examined at an inquest may have counsel present
14 during the examination of that witness. The counsel may not examine or
15 cross-examine his or her client, cross-examine or call other witnesses or argue
16 before the judge or circuit court commissioner holding the inquest.

17 **SECTION 359.** 979.06 (4) (intro.) of the statutes is amended to read:

18 ✓ 979.06 (4) (intro.) The judge or circuit court commissioner shall administer an
19 oath or affirmation to each witness which shall be substantially in the following
20 form:

21 **SECTION 360.** 979.06 (5) of the statutes is amended to read:

22 ✓ 979.06 (5) The judge or circuit court commissioner conducting the inquest shall
23 cause the testimony given by all witnesses to be reduced to writing or recorded and
24 may employ stenographers to take and transcribe all of the testimony. The
25 stenographer shall receive reimbursement at a reasonable rate for each appearance

ASSEMBLY BILL 380

1 and transcription at rates in accordance with the customary charges in the area for
2 similar services.

3 **SECTION 361.** 979.08 (1) of the statutes is amended to read:

4 ✓ 979.08 (1) When the evidence is concluded and the testimony closed, the judge
5 or circuit court commissioner shall instruct the jury on its duties and on the
6 substantive law regarding the issues inquired into before the jury. The district
7 attorney shall prepare a written set of appropriate requested instructions and shall
8 submit them to the judge or circuit court commissioner who, together with the
9 district attorney, shall compile the final set of instructions which shall be given. The
10 instructions shall include those criminal offenses for which the judge or circuit court
11 commissioner believes a reasonable jury might return a verdict based upon a finding
12 of probable cause.

13 **SECTION 362.** 979.08 (3) (intro.) of the statutes is amended to read:

14 ✓ 979.08 (3) (intro.) The jury shall retire to consider its verdict after hearing all
15 of the testimony and evidence, making all necessary inquiries and having been
16 instructed in the law. The judge or circuit court commissioner shall provide the jury
17 with one complete set of written instructions providing the substantive law to be
18 applied to the issues to be decided. The verdict shall be in a form which permits the
19 following findings:

20 **SECTION 363.** 979.08 (6) of the statutes is amended to read:

21 ✓ 979.08 (6) Any verdict so rendered, after being validated and signed by the
22 judge or circuit court commissioner, together with the record of the inquest, shall be
23 delivered to the district attorney for consideration. After considering the verdict and
24 record, the district attorney may deliver the entire inquest record or any part thereof
25 to the coroner or medical examiner for safekeeping.

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0375/?ins
RPN.....

insert 5-18a:

SECTION 1. 19.01 (4) (c) 4. of the statutes is amended to read:

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

History: 1971 c. 154; 1977 c. 29 s. 1649; 1977 c. 187 ss. 26, 135; 1977 c. 305 s. 64; 1977 c. 449; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (13); 1983 a. 6, 192; 1983 a. 538 s. 271; 1989 a. 31; 1991 a. 39, 316; 1993 a. 399; 1997 a. 250; 1999 a. 32, 83.

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0375/?ins
RPN.....

1 insert 5-18:

2 SECTION 1. 19.01 (4) (c) 1. of the statutes is amended to read:

3 19.01 (4) (c) 1. All circuit and supplemental court commissioners.

4 History: 1971 c. 154; 1977 c. 29 s. 1649; 1977 c. 187 ss. 26, 135; 1977 c. 205 s. 64; 1977 c. 449; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (13); 1983 a. 6, 192; 1983 a. 538 s. 271; 1989 a. 31; 1991 a. 39, 316; 1993 a. 399; 1997 a. 250; 1999 a. 32, 83.

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

5 insert 12-18:

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

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

22 History: 1977 c. 354; 1985 a. 311; 1987 a. 27, 285, 339; 1991 a. 213, 253, 315; 1993 a. 98; 1995 a. 24, 77, 448; 1997 a. 292; 1999 a. 149.

SECTION 4. 48.32 (1b) of the statutes is amended to read:

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

History: 1977 c. 354; 1985 a. 311; 1987 a. 27, 285, 339; 1991 a. 213, 253, 315; 1993 a. 98; 1995 a. 24, 77, 448; 1997 a. 292; 1999 a. 149.

8 insert 26-15:

9 **SECTION 5.** 59.40 (2) (j) of the statutes is amended to read:

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

History: 1995 a. 27 ss. 3290, 3291; 1995 a. 201 ss. 311 to 318, 320 to 322, 325; 1995 a. 224 ss. 11 to 13; 1995 a. 227 s. 203; 1995 a. 279 s. 8; 1995 a. 404 s. 185; 1995 a. 438; 1995 a. 448 s. 61; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 3, 27; 1997 a. 35 ss. 185, 186; 1997 a. 39, 135, 148, 191, 237, 248, 252; 1999 a. 9, 32; 1999 a. 150 s. 672.

16 insert 28-19:

17 **SECTION 6.** 59.64 (1) (d) 1m. ^(form) of the statutes is amended to read:

18 59.64 (1) (d) 1m. ^(form) ~~The statement described in subd. 1 shall be substantially in~~

19 ~~the following form~~

20 STATE OF WISCONSIN

21 v.

22

23 IN CIRCUIT COURT FOR ... COUNTY

1 Complaint for
 2 Before, Circuit or Supplemental Court Commissioner.
 3 Heard the day of,(year)
 4 To the County Board of County:

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

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

13 Dated this day of, (year)

History: 1995 a. 158 s. 9; 1995 a. 201 ss. 397, 427, 428, 430, 433; 1995 a. 225 ss. 165 to 168; 1997 a. 27, 35, 250, 252, 253; 1999 a. 32.

14 insert 36-10:

15 **SECTION 7.** 196.675 (3) of the statutes is amended to read:

16 196.675 (3) This section does not apply to circuit or supplemental court
 17 commissioners.

History: 1977 c. 236; 1983 a. 53; 1987 a. 104; 1989 a. 31; 1991 a. 39.

18 insert 37-9:

19 **SECTION 8.** 757.23 of the statutes is amended to read:

20 **757.23 Court commissioner, when disqualified.** A municipal court
 21 commissioner, ~~at~~ ^{of} circuit, or supplemental court commissioner, or any judge acting
 22 as a court commissioner, shall not act or take part in the decision of, or make any
 23 order in any matter or proceeding in which he or she is a party, or in which his or her
 24 rights would be in any manner affected by his or her decision or order thereon, or in

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

History: 1977 c. 187 s. 96; Stats. 1977 s. 757.23; 1997 a. 27.

7 insert 58-7:

8 **SECTION 9.** 767.115 (4) (a) of the statutes is amended to read:

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

History: 1993 a. 225; 1997 a. 45; 1999 a. 9.

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

16 767.115 (4) (b) The court or ~~family~~ circuit court commissioner may not require
 17 the parties to attend a class under this subsection as a condition to the granting of
 18 the final judgment or order in the divorce or paternity action, however, the court or
 19 ~~family~~ circuit court commissioner may refuse to hear a custody or physical placement
 20 motion of a party who refuses to attend a class ordered under this subsection.

History: 1993 a. 225; 1997 a. 45; 1999 a. 9.

21 **SECTION 11.** 767.115 (4) (c) 2. of the statutes is amended to read:

1 767.115 (4) (c) 2. If the court or family circuit court commissioner finds that a
 2 party is indigent, any costs that would be the responsibility of that party shall be paid
 3 by the county.

4 History: 1993 a. 225; 1997 a. 45; 1999 a. 9.

insert 64-7:

5 **SECTION 12.** 767.23 (1) (a) of the statutes is amended to read:

6 767.23 (1) (a) Upon request of one party, granting legal custody of the minor
 7 children to the parties jointly, to one party solely or to a relative or agency specified
 8 under s. 767.24 (3), in a manner consistent with s. 767.24, except that the court or
 9 family circuit court commissioner may order sole legal custody without the
 10 agreement of the other party and without the findings required under s. 767.24 (2)

11 (b) 2. This order may not have a binding effect on a final custody determination.

History: 1971 c. 149; 1971 c. 211 s. 126; 1971 c. 220, 307; 1975 c. 283; Sup. Ct. Order, 73 Wis. 2d xxxi (1976); 1977 c. 105; 1979 c. 32 ss. 50, 92 (4); 1979 c. 111, 196; 1979 c. 352 s. 39; Stats. 1979 s. 767.23; 1983 a. 27; 1983 a. 204 s. 22; 1983 a. 447; 1985 a. 29 s. 3202 (9); 1987 a. 355, 364, 413; 1989 a. 212; 1991 a. 39; 1993 a. 78, 481, 490; 1995 a. 27 ss. 7100h, 9126 (19); 1995 a. 70, 404; 1999 a. 9.

12 **SECTION 13.** 767.23 (1) (am) of the statutes is amended to read:

13 767.23 (1) (am) Upon the request of a party, granting periods of physical
 14 placement to a party in a manner consistent with s. 767.24. The court or family
 15 circuit court commissioner shall make a determination under this paragraph within
 16 30 days after the request for a temporary order regarding periods of physical
 17 placement is filed.

History: 1971 c. 149; 1971 c. 211 s. 126; 1971 c. 220, 307; 1975 c. 283; Sup. Ct. Order, 73 Wis. 2d xxxi (1976); 1977 c. 105; 1979 c. 32 ss. 50, 92 (4); 1979 c. 111, 196; 1979 c. 352 s. 39; Stats. 1979 s. 767.23; 1983 a. 27; 1983 a. 204 s. 22; 1983 a. 447; 1985 a. 29 s. 3202 (9); 1987 a. 355, 364, 413; 1989 a. 212; 1991 a. 39; 1993 a. 78, 481, 490; 1995 a. 27 ss. 7100h, 9126 (19); 1995 a. 70, 404; 1999 a. 9.

insert 65-2:

18 **SECTION 14.** 767.242 (3) (b) of the statutes is amended to read:

19 767.242 (3) (b) The petition shall request the imposition of a remedy or any
 20 combination of remedies under sub. (5) (b) and (c). This paragraph does not prohibit
 21

1 a judge or ~~family~~ circuit court commissioner from imposing a remedy under sub. (5)
2 (b) or (c) if the remedy was not requested in the petition.

History: 1999 a. 9.

3 **SECTION 15.** 767.242 (3) (c) of the statutes is amended to read:

4 767.242 (3) (c) A judge or ~~family~~ circuit court commissioner shall accept any
5 legible petition for an order under this section.

History: 1999 a. 9.

6 **SECTION 16.** 767.242 (5) (a) of the statutes is amended to read:

7 767.242 (5) (a) A judge or [✓]~~family~~ circuit court commissioner shall hold a hearing
8 on the petition no later than 30 days after the petition has been served, unless the
9 time is extended by mutual agreement of the parties or upon the motion of a guardian
10 ad litem and the approval of the judge or ~~family~~ circuit court commissioner. The
11 judge or ~~family~~ circuit court commissioner may, on his or her own motion or the
12 motion of any party, order that a guardian ad litem be appointed for the child prior
13 to the hearing.

History: 1999 a. 9.

circuit

14 **SECTION 17.** 767.242 (5) (b) (intro.) of the statutes is amended to read:

15 767.242 (5) (b) (intro.) If, at the conclusion of the hearing, the judge or ~~family~~
16 circuit court commissioner finds that the respondent has intentionally and
17 unreasonably denied the petitioner one or more periods of physical placement or that
18 the respondent has intentionally and unreasonably interfered with one or more of
19 the petitioner's periods of physical placement, the court or ~~family~~ court
20 commissioner:

History: 1999 a. 9.

21 **SECTION 18.** 767.242 (5) (b) 2. c. of the statutes is amended to read:

22 767.242 (5) (b) 2. c. Grant an injunction ordering the respondent to strictly
23 comply with the judgment or order relating to the award of physical placement. In

1 determining whether to issue an injunction, the judge or ~~family~~ circuit court
2 commissioner shall consider whether alternative remedies requested by the
3 petitioner would be as effective in obtaining compliance with the order or judgment
4 relating to physical placement.

History: 1999 a. 9.

5 **SECTION 19.** 767.242 (5) (c) of the statutes is amended to read:

6 767.242 (5) (c) If, at the conclusion of the hearing, the judge or ~~family~~ circuit
7 court commissioner finds that the petitioner has incurred a financial loss or expenses
8 as a result of the respondent's failure, intentionally and unreasonably and without
9 adequate notice to the petitioner, to exercise one or more periods of physical
10 placement under an order allocating specific times for the exercise of periods of
11 physical placement, the judge or ~~family~~ circuit court commissioner may issue an
12 order requiring the respondent to pay to the petitioner a sum of money sufficient to
13 compensate the petitioner for the financial loss or expenses.

History: 1999 a. 9.

14 **SECTION 20.** 767.242 (5) (d) of the statutes is amended to read:

15 767.242 (5) (d) Except as provided in par. (b) 1. a. and 2. a., the judge or ~~family~~
16 circuit court commissioner may not modify an order of legal custody or physical
17 placement in an action under this section.

History: 1999 a. 9.

18 **SECTION 21.** 767.242 (6) (a) of the statutes is amended to read:

19 767.242 (6) (a) If an injunction is issued under sub. (5) (b) 2. c., upon request
20 by the petitioner the judge or ~~family~~ circuit court commissioner shall order the sheriff
21 to assist the petitioner in executing or serving the injunction.

History: 1999 a. 9.

22 **SECTION 22.** 767.247 of the statutes is amended to read:

1 **767.247 Prohibiting visitation or physical placement if a parent kills**
2 **other parent.** (1) Notwithstanding ss. 767.23 (1) (am), 767.24 (1), (4) and (5),
3 767.51 (3) and 767.62 (4) (a) and except as provided in sub. (2), in an action under this
4 chapter that affects a minor child, a court or family circuit court commissioner may
5 not grant to the child's parent visitation or physical placement rights with the child
6 if the parent has been convicted under s. 940.01 of the first-degree intentional
7 homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of the child's
8 other parent, and the conviction has not been reversed, set aside or vacated.

9 (2) Subsection (1) does not apply if the court or family circuit court
10 commissioner determines by clear and convincing evidence that the visitation or
11 periods of physical placement would be in the best interests of the child. The court
12 or family circuit court commissioner shall consider the wishes of the child in making
13 the determination.

History: 1999 a. 9.

insert 68-11:

15 **SECTION 23.** 767.265 (1) of the statutes is amended to read:

16 767.265 (1) Each order for child support under this chapter, for maintenance
17 payments under s. 767.23 or 767.26, for family support under this chapter, for costs
18 ordered under s. 767.51 (3) or 767.62 (4), for support by a spouse under s. 767.02 (1)
19 (f), for maintenance payments under s. 767.02 (1) (g) or for the annual receiving and
20 disbursing fee under s. 767.29 (1) (d), each order for a revision in a judgment or order
21 with respect to child support, maintenance or family support payments under s.
22 767.32, each stipulation approved by the court or ~~the family~~ a circuit court
23 commissioner for child support under this chapter and each order for child or spousal
24 support entered under s. 948.22 (7) constitutes an assignment of all commissions,

1 earnings, salaries, wages, pension benefits, benefits under ch. 102 or 108, lottery
 2 prizes that are payable in ~~instalments~~ ^{✓ installments} and other money due or to be due in the future
 3 to the department or its designee. The assignment shall be for an amount sufficient
 4 to ensure payment under the order or stipulation and to pay any arrearages due at
 5 a periodic rate not to exceed 50% of the amount of support due under the order or
 6 stipulation so long as the addition of the amount toward arrearages does not leave
 7 the party at an income below the poverty line established under 42 USC 9902 (2).

History: 1971 c. 110; 1975 c. 94 s. 91 (3); 1975 c. 199; 1977 c. 105; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196, 221; Stats. 1979 s. 767.265; 1981 c. 20, 186; 1983 a. 27, 384; 1985 a. 29; 1987 a. 38 s. 136; 1987 a. 332 s. 64; 1987 a. 398, 403; 1989 a. 31, 56, 212, 336; 1991 a. 287; 1993 a. 16, 326, 389, 481; 1995 a. 27 s. 9130 (4); 1995 a. 279, 404; 1997 a. 27, 191; 1999 a. 9.

8 **SECTION 24. 767.265 (2h)** of the statutes is amended to read:

9 **767.265 (2h)** If a court-ordered assignment, including the assignment
 10 specified under sub. (1) for the payment of any arrearages due, does not require
 11 immediately effective withholding and a payer fails to make a required maintenance,
 12 child support, spousal support, family support or annual receiving and disbursing
 13 fee payment within 10 days after its due date, within 20 days after the payment's due
 14 date the court, ~~family~~ family circuit court commissioner or county child support agency
 15 under s. 59.53 (5) shall cause the assignment to go into effect by providing notice of
 16 the assignment in the manner provided under sub. (2r) and shall send a notice by
 17 regular mail to the last-known address of the payer. The notice sent to the payer
 18 shall inform the payer that an assignment is in effect and that the payer may, within
 19 a 10-day period, by motion request a hearing on the issue of whether the assignment
 20 should remain in effect. The court or ~~family~~ family circuit court commissioner shall hold a
 21 hearing requested under this subsection within 10 working days after the date of the
 22 request. If at the hearing the payer establishes that the assignment is not proper
 23 because of a mistake of fact, the court or ~~family~~ family circuit court commissioner may direct
 24 that the assignment be withdrawn. Either party may, within 15 working days after

1 the date of a decision by a family circuit court commissioner under this subsection,
2 seek review of the decision by the court with jurisdiction over the action.

History: 1971 c. 110; 1975 c. 94 s. 91 (3); 1975 c. 199; 1977 c. 105; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196, 221; Stats. 1979 s. 767.265; 1981 c. 20, 186; 1983 a. 27, 384; 1985 a. 29; 1987 a. 38 s. 136; 1987 a. 332 s. 64; 1987 a. 398, 403; 1989 a. 31, 56, 212, 336; 1991 a. 287; 1993 a. 16, 326, 389, 481; 1995 a. 27 s. 9130 (4); 1995 a. 279, 404; 1997 a. 27, 191; 1999 a. 9.

3 **SECTION 25.** 767.265 (2m) (b) of the statutes is amended to read:

4 767.265 (2m) (b) The county child support agency under s. 59.53 (5) may cause
5 an assignment under par. (a) to go into effect by providing notice of the assignment
6 in the manner provided under sub. (2r) and sending a notice by regular mail to the
7 last-known address of the payer. The notice sent to the payer shall inform the payer
8 that an assignment is in effect and that the payer may, within a 10-day period, by
9 motion request a hearing on the issue of whether the assignment should remain in
10 effect. The court or family circuit court commissioner shall hold a hearing requested
11 under this paragraph within 10 working days after the date of the request. If at the
12 hearing the payer establishes that the assignment is not proper because of a mistake
13 of fact, the court or family circuit court commissioner may direct that the assignment
14 be withdrawn. The payer or the county child support agency may, within 15 working
15 days after the date of a decision by a family circuit court commissioner under this
16 paragraph, seek review of the decision by the court with jurisdiction over the action.

History: 1971 c. 110; 1975 c. 94 s. 91 (3); 1975 c. 199; 1977 c. 105; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196, 221; Stats. 1979 s. 767.265; 1981 c. 20, 186; 1983 a. 27, 384; 1985 a. 29; 1987 a. 38 s. 136; 1987 a. 332 s. 64; 1987 a. 398, 403; 1989 a. 31, 56, 212, 336; 1991 a. 287; 1993 a. 16, 326, 389, 481; 1995 a. 27 s. 9130 (4); 1995 a. 279, 404; 1997 a. 27, 191; 1999 a. 9.

17 **SECTION 26.** 767.265 (2r) of the statutes is amended to read:

18 767.265 (2r) Upon entry of each order for child support, maintenance, family
19 support, support by a spouse or the annual receiving and disbursing fee, and upon
20 approval of each stipulation for child support, unless the court finds that income
21 withholding is likely to cause the payer irreparable harm or unless s. 767.267
22 applies, the court, family circuit court commissioner or county child support agency
23 under s. 59.53 (5) shall provide notice of the assignment by regular mail or by

1 facsimile machine, as defined in s. 134.72 (1) (a), or other electronic means to the
 2 last-known address of the person from whom the payer receives or will receive
 3 money. The notice shall provide that the amount withheld may not exceed the
 4 maximum amount that is subject to garnishment under 15 USC 1673 (b) (2). If the
 5 department or its designee, whichever is appropriate, does not receive the money
 6 from the person notified, the court, family circuit court commissioner or county child
 7 support agency under s. 59.53 (5) shall provide notice of the assignment to any other
 8 person from whom the payer receives or will receive money. Notice under this
 9 subsection may be a notice of the court, a copy of the executed assignment or a copy
 10 of that part of the court order directing payment.

History: 1971 c. 110; 1975 c. 94 s. 91 (3); 1975 c. 199; 1977 c. 105; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196, 221; Stats. 1979 s. 767.265; 1981 c. 20, 186; 1983 a. 27, 384; 1985 a. 29; 1987 a. 38 s. 136; 1987 a. 332 s. 64; 1987 a. 398, 403; 1989 a. 31, 56, 212, 336; 1991 a. 287; 1993 a. 16, 326, 389, 481; 1995 a. 27 s. 9130 (4); 1995 a. 279, 404; 1997 a. 27, 191; 1999 a. 9.

11 **SECTION 27. 767.267 (1) of the statutes is amended to read:**

12 **767.267 (1)** If the court or the family circuit court commissioner determines
 13 that income withholding under s. 767.265 is inapplicable, ineffective or insufficient
 14 to ensure payment under an order or stipulation specified in s. 767.265 (1), or that
 15 income withholding under s. 767.25 (4m) (c) is inapplicable, ineffective or insufficient
 16 to ensure payment of a child's health care expenses, including payment of health
 17 insurance premiums, ordered under s. 767.25 (4m) ~~(for 767.51 (3m))~~ ^{le} _{JK} the court or
 18 family circuit court commissioner may require the payer to identify or establish a
 19 deposit account, owned in whole or in part by the payer, that allows for periodic
 20 transfers of funds and to file with the financial institution at which the account is
 21 located an authorization for transfer from the account to the department or its
 22 designee, whichever is appropriate. The authorization shall be provided on a
 23 standard form approved by the court and shall specify the frequency and the amount
 24 of transfer, sufficient to meet the payer's obligation under the order or stipulation,

1 as required by the court or family circuit court commissioner. The authorization
2 shall include the payer's consent for the financial institution or an officer, employee
3 or agent of the financial institution to disclose information to the court, family circuit
4 court commissioner, county child support agency under s. 59.53 (5), department or
5 department's designee regarding the account for which the payer has executed the
6 authorization for transfer.

CNOTE: NOTE: Section 767.51 (3m) was repealed by 1999 Wis. Act 9, eff. 5-1-00. Corrective legislation is pending. NOTE:
History: 1993 a. 481; 1995 a. 279; 1997 a. 27; 1999 a. 9.

7 insert 70-9:

8 **SECTION 28.** 767.29 (1) (d) of the statutes is amended to read:

9 767.29 (1) (d) For receiving and disbursing maintenance, child support or
10 family support payments, and for maintaining the records required under par. (c),
11 the department or its designee shall collect an annual fee of \$25. The court or family
12 circuit court commissioner shall order each party ordered to make payments to pay
13 the annual fee under this paragraph in each year for which payments are ordered.

14 In directing the manner of payment of the annual fee, the court or circuit
15 commissioner shall order that the annual fee be withheld from income and sent to
16 the department or its designee, as provided under s. 767.265. All fees collected under
17 this paragraph shall be deposited in the appropriation account under s. 20.445 (3)
18 (ja). At the time of ordering the payment of an annual fee under this paragraph, the
19 court or family circuit court commissioner shall notify each party ordered to make
20 payments of the requirement to pay the annual fee and of the amount of the annual
21 fee. If the annual fee under this paragraph is not paid when due, the department or
22 its designee may not deduct the annual fee from the maintenance or child or family
23 support payment, but may move the court for a remedial sanction under ch. 785.

History: 1971 c. 41 s. 12; Sup. Ct. Order, 67 Wis. 2d 585, 775 (1975); 1975 c. 82, 200; 1975 c. 401 s. 4; 1977 c. 105 s. 59; 1977 c. 271, 418, 447; 1979 c. 32 ss. 50, 92 (4);
1979 c. 257 s. 17; Stats. 1979 s. 767.29; 1981 c. 20 s. 2202 (20) (m); 1983 a. 27, 302; 1985 a. 29, 176; 1991 a. 39; 1993 a. 481; 1995 a. 27 ss. 7104tm, 9126 (19), 9130 (4); 1995
a. 77, 279, 289, 404; 1997 a. 27, 35, 105, 191, 252; 1999 a. 9.

insert 74-20:

SECTION 29. 767.32 (1) (a) of the statutes is amended to read:

767.32 (1) (a) After a judgment or order providing for child support under this chapter or s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a), 938.363 (2) or 948.22 (7), maintenance payments under s. 767.26 or family support payments under this chapter, or for the appointment of trustees under s. 767.31, the court may, from time to time, on the petition, motion or order to show cause of either of the parties, or upon the petition, motion or order to show cause of the department, a county department under s. 46.215, 46.22 or 46.23 or a county child support agency under s. 59.53 (5) if an assignment has been made under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4) (h) or 49.45 (19) or if either party or their minor children receive aid under s. 48.57 (3m) or (3n) or ch. 49, and upon notice to the office of family court commissioner, revise and alter such judgment or order respecting the amount of such maintenance or child support and the payment thereof, and also respecting the appropriation and payment of the principal and income of the property so held in trust, and may make any judgment or order respecting any of the matters that such court might have made in the original action, except that a judgment or order that waives maintenance payments for either party shall not thereafter be revised or altered in that respect nor shall the provisions of a judgment or order with respect to final division of property be subject to revision or modification. A revision, under this section, of a judgment or order with respect to an amount of child or family support may be made only upon a finding of a substantial change in circumstances. In any action under this section to revise a judgment or order with respect to maintenance payments, a substantial change in the cost of living by either party or as measured by the federal bureau of labor

1 statistics may be sufficient to justify a revision of judgment or order with respect to
2 the amount of maintenance; except that a change in an obligor's cost of living is not
3 in itself sufficient if payments are expressed as a percentage of income.

History: 1971 c. 220; 1977 c. 105 ss. 38, 48, 49; 1977 c. 418; 1979 c. 32 ss. 50, 92 (4); Stats. 1979 s. 767.32; 1981 c. 20 s. 2202 (20) (m); 1981 c. 314 s. 146; 1983 a. 27; 1985 a. 176; 1987 a. 27, 355, 413; 1989 a. 212; 1991 a. 39; 1993 a. 16, 481, 491; 1995 a. 27 s. 9126 (19); 1995 a. 77, 201, 225, 279, 289, 404, 417; 1997 a. 27, 35, 105, 191, 237, 273; 1999 a. 9, 103.

4 insert 87-14:

5 SECTION 30. 767.62 (4) (intro.) of the statutes is amended to read:

6 767.62 (4) ORDERS WHEN PATERNITY ACKNOWLEDGED. (intro.) In an action under
7 sub. (3) (a), if the persons who signed and filed the statement acknowledging
8 paternity as parents of the child had notice of the hearing, the court or family circuit
9 court commissioner shall make an order that contains all of the following provisions:

History: 1993 a. 481; 1995 a. 100; 1997 a. 191; 1999 a. 9.

10 insert 117-23:

11 SECTION 31. 938.32 (1) (a) of the statutes is amended to read:

12 938.32 (1) (a) At any time after the filing of a petition for a proceeding relating
13 to s. 938.12 or 938.13 and before the entry of judgment, the judge or juvenile circuit
14 court commissioner may suspend the proceedings and place the juvenile under
15 supervision in the juvenile's own home or present placement. The court may
16 establish terms and conditions applicable to the parent, guardian or legal custodian,
17 and to the juvenile, including any of the conditions specified in subs. (1d), (1g), (1m),
18 (1t), (1v) and (1x). The order under this section shall be known as a consent decree
19 and must be agreed to by the juvenile; the parent, guardian or legal custodian; and
20 the person filing the petition under s. 938.25. If the consent decree includes any
21 conditions specified in sub. (1g), the consent decree shall include provisions for
22 payment of the services as specified in s. 938.361. The consent decree shall be
23 reduced to writing and given to the parties.

History: 1995 a. 77, 352, 448; 1997 a. 181, 183, 205, 239; 1999 a. 9, 32.

1 insert 124-24:

2 SECTION 32. 979.05 (3) of the statutes is amended to read:

3 979.05 (3) The judge or ^{Circuit} court commissioner shall examine on oath or
4 affirmation each person who is called as a juror to discover whether the juror is
5 related by blood, marriage or adoption to the decedent, any member of the decedent's
6 family, the district attorney, any other attorney appearing in the case or any
7 members of the office of the district attorney or of the office of any other attorney
8 appearing in the case, has expressed or formed any opinion regarding the matters
9 being inquired into in the inquest or is aware of or has any bias or prejudice
10 concerning the matters being inquired into in the inquest. If any prospective juror
11 is found to be not indifferent or is found to have formed an opinion which cannot be
12 laid aside, that juror shall be excused. The judge or ~~court~~ circuit commissioner may
13 select one or more alternate jurors if the inquest is likely to be protracted. This
14 subsection does not limit the right of the district attorney to supplement the judge's
15 or ~~court~~ circuit commissioner's examination of any prospective jurors as to
16 qualifications.

17 History: 1983 a. 279; Sup. Ct. Order, No. 96-08, 207 Wis. 2d xv (1997); 1999 a. 162.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0375/1dn

RPN.....

kmg

Please review this draft carefully to ensure that it is consistent with your intent.

I deleted sections of the bill that were repealed in the last legislative session and added the following sections that were created in the last legislative session.

Robert P. Nelson
Senior Legislative Attorney
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(Form)

ss. 59.40 (2) (j)^j, 59.64 (1) (d) 1m.
196.675 (3), 757.23, 767.115 (4)
(a), (b), and (c) 2., 767.242 (3)
(b) and (c), (5) (a), (b) (intro) and 2. c.,
(c), and (d), and (6) (a), 767.243
and 767.265 (2m)
(b).

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0375/1dn
RPN:kmg:pg

October 13, 2000

Please review this draft carefully to ensure that it is consistent with your intent.

I deleted sections of the bill that were repealed in the last legislative session and added the following sections that were created in the last legislative session: ss. 59.40 (2) (j), 59.64 (1) (d) 1m. (form), 196.675 (3), 757.23, 767.115 (4) (a), (b), and (c) 2., 767.242 (3) (b) and (c), (5) (a), (b) (intro.) and 2. c., (c), and (d), and (6) (a), 767.247, and 767.265 (2m) (b).

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