



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 767

**Assembly Amendments 1, 2,
and 3**

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Assembly Bill 767 requires the Director of State Courts to prepare a form that a petitioner for a domestic abuse, child abuse, or harassment injunction may complete to request notification when the respondent is served with the petition and that includes the mailing address, email address, and telephone number of the petitioner and an explanation of the use of the form. The clerks of circuit court must provide the form when a petition for an injunction is filed with the court. If the petitioner wants to be notified when the petition has been served upon the respondent, the petitioner must complete the parts of the form that are applicable and give that form to the clerk of court.

If a petitioner gives the form to the clerk of court, the clerk must notify the petitioner when the respondent has been served with the petition for the injunction. If the form submitted to the clerk of court includes a telephone number, the clerk must make a reasonable effort to inform the petitioner by telephone on the day that the clerk learns that the petition has been served on the respondent. If the clerk of court is unable to contact the petitioner by telephone, the clerk must make a reasonable effort to inform the petitioner by email on the day the clerk learns that the petition has been served if the petitioner has provided an email address. If the clerk of court is unable to contact the petitioner by telephone or email, the clerk must inform the petitioner by first-class mail no later than the day after the clerk learns that the respondent has been served. The clerk of court must note on the case record the time, date, and method of notifying the petitioner.

Assembly Amendment 1 provides that the Director of State Courts must apply for money from the Federal Bureau of Justice Assistance (BJA) for funding from the federal Statewide Automated Victim Information and Notification (SAVIN) program to implement the notification procedure created by the bill. Under the amendment, a clerk of court is not required to provide the forms to or notify petitioners, as required under the bill, until the Director of State Courts receives federal money to implement the notification procedure.

According to the competitive grant announcement for SAVIN programs for fiscal year 2007:

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The Statewide Automated Victim Information and Notification (SAVIN) Program (Pub. L. 109-108, 119 Stat. 2299) helps protect crime victims from further victimization and ensures their legal rights are upheld by providing registered victims with timely and accurate information about any changes to the status of their offender (e.g., trial dates, times, or changes; probation hearings; inmate relocation; and offender release). This information enables victims to fully participate in the judicial process while maintaining total anonymity.

Assembly Amendment 2 provides that all information contained in the forms submitted to the clerk of court under the bill is confidential and may not be released to the respondent or to members of the public.

Assembly Amendment 3 permits the Director of State Courts, in cooperation with the clerks of circuit court, to develop an automated electronic system for the clerks to use to notify a petitioner of the service of a petition for an injunction upon the respondent.

Legislative History

The Assembly Committee on Children and Family Law offered Assembly Amendments 1, 2, and 3. The committee recommended adoption of the amendments on votes of Ayes, 7; Noes, 0; and recommended passage of the bill, as amended, on a vote of Ayes, 7; Noes, 0.

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