

2009 DRAFTING REQUEST

Senate Amendment (SA-SSA(LRBs0296/1)-SB464)

Received: **02/24/2010**

Received By: **rnelson2**

Wanted: **Soon**

Identical to LRB:

For: **Lena Taylor (608) 266-5810**

By/Representing: **Eric**

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - civil procedure**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Taylor@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Child as party in action

Instructions:

See attached

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> |
|--------------|------------------------|----------------------|----------------------|----------------|-----------------------|-----------------------|-----------------|
| /? | rnelson2 02/24/2010 | bkraft 02/24/2010 | | _____ | | | |
| /1 | | | phenry 02/25/2010 | _____ | mbarman 02/25/2010 | mbarman 02/25/2010 | |

FE Sent For:

<END>

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Nelson, Robert P.

From: Tony Gibart [tonyg@wcadv.org]
Sent: Wednesday, February 24, 2010 8:56 AM
To: Peterson, Eric
Cc: Nelson, Robert P.
Subject: FW: Judges' Legislative Committee Feedback on Sub Amendment

Hi Eric,
 This is the change that the courts are requesting as simple amendment to the sub to SB 464:
 page 6, line 16: delete "petitioner" and insert "party" in its place.

Hope we can get this ready for the floor for next week. Thank you for all of your work!

Tony

*all 09 already
has 15 → 30
days*

From: Tony Gibart
Sent: Monday, February 22, 2010 11:18 AM
To: Peterson, Eric; 'Gau, Maggie'
Subject: Judges' Legislative Committee Feedback on Sub Amendment

Eric and Maggie,

Nancy Rottier and I met on Friday to discuss the judges' feedback on the substitute amendment. The good news is that they like it much better and removed their opposition. During their meeting they raised three issues.

1. They felt that section 13, which directs the clerk to assist the harassment petitioner with preparing and filing of the affidavit of printing, is problematic because the clerks are arguably providing legal assistance. This process is required in the rare event that the respondent is served by publication. At the time of their discussion, the judges were not aware that this exact language already exists in the domestic abuse statute. Sara in court operations says the parrallel provision in the domestic abuse statute has not caused any problems. My understanding is that Nancy is going to ask the judges to drop their objection to this point in light of the fact the provision is already in statute.
2. Section 11 allows the court to appoint a guardian ad litem for a minor harassment restraining order petitioner. The judges felt the section should state that the court can appoint a GAL for both minor petitioners and respondents. The courts already have the authority to appoint GALs for minor respondents. Nancy and Sara both believe this power would be unaffected by the bill, but agree that it would be preferable if the statute said a GAL can be appointed for any party, as opposed to just the petitioner.

I suggest we change this in the assembly sub, and consider a simple amendment to the senate version.
3. One judge felt that the process in the bill for the conversion of domestic abuse RO petitions to harassment petitions would preclude the use of written stipulations. The other judges on the committee do not use written stipulations, and were surprised that the process was used at all. Nancy did not feel a change needed to be made to the bill.

Therefore, the Assembly sub requires two small changes:

1. page 6, line 16: delete "petitioner" and insert "party" in its place.
2. page 8, line 22, delete "15" and insert "30" (Bob Andersen's request)

Thanks,

Tony

Tony Gibart
 Policy Coordinator
Wisconsin Coalition Against Domestic Violence
 307 S. Paterson St. #1
 Madison, WI 53703

Phone: (608) 255-0539 ext. 310
 Fax/TTY: (608) 255-3560

02/24/2010



2/24
State of Wisconsin
2009 - 2010 LEGISLATURE

SOON

1673/1
LRBa 608/1
RPN:bjk:rs
stays

Senate
~~ASSEMBLY~~ AMENDMENT,
TO ~~ASSEMBLY~~ SUBSTITUTE AMENDMENT (LRBs0296/1),
TO 2009 ~~ASSEMBLY~~ BILL 680
SENATE 464

bh

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 6, line 16: delete "the petitioner" and substitute "a party".

3 2. Page 8, line 25: delete "15" and substitute "30"

4 (END)