

Senate Bill 399

Published
December 24, 1965.

CHAPTER 462

AN ACT to amend 46.21 (2) (a) and 48.31 (1) and (3); and to repeal and recreate 48.06 (1) and 48.08 (3) (a) of the statutes, relating to a children's court center in counties having a population of 500,000 or more.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 46.21 (2) (a) of the statutes is amended to read:

46.21 (2) (a) Such board shall be charged with supervising the operation, maintenance and improvement in each county by the director of institutions and departments, of the county hospital, dispensary-emergency unit of said hospital, guidance clinic, infirmary, home for children, *children's court center as provided in s. 48.06 (1)*, mental health center, north division and south division, tuberculosis hospital, department of public welfare created by s. 49.51 (2) (a), county agent's department, farm, service departments, and such other institutions and departments as ~~may be~~ *are* placed under the jurisdiction of the board of public welfare by the county board of supervisors, and all buildings and land used in connection with any or all such institutions. A diagnostic and treatment center may be designated as part of the county mental health center, north division, and all personnel fully attached to said facility shall be under the jurisdiction of the superintendent or medical director of the county mental health center, north division. The powers and duties of the board shall be advisory and policy forming only, and not administrative or executive. Such board shall be without authority to adopt policy changes that would increase expenditures beyond budget limitations for the fiscal year, as fixed by the county board of supervisors. Proposed policy changes shall, in all instances, be presented to the director and the finance committee of the county board at the time the department's budget for the ensuing year is being considered.

SECTION 2. 48.06 (1) of the statutes is repealed and recreated to read:

48.06 (1) COUNTIES WITH A POPULATION OF 500,000 OR MORE. In counties having a population of 500,000 or more, the county board of

supervisors shall provide the court with the services necessary for investigating and supervising cases by operating a children's court center under the supervision of a director who shall be appointed as provided in s. 46.21 (4) under the laws governing civil service in the county. The director shall be the chief administrative officer of said center and of the intake, probation and detention sections thereof except as herein otherwise provided, and as such officer he shall be charged with administration of the children's court personnel, services and detention home and be responsible for supervising both the operation of the physical plant and the maintenance and improvement of the buildings and grounds of said center. The children's court judge, or if there is more than one judge, then such judges acting jointly, shall formulate and promulgate written judicial policy governing children's court services and the director shall be charged with executing such judicial policy. Each children's court judge shall direct and supervise the work of all personnel of his court branch, except the work of the district attorney or corporation counsel assigned thereto. The county board of public welfare shall develop policies and establish necessary rules and regulations for the management and administration of the nonjudicial operations of the children's court center, but any such policy, rule or regulation shall be subject to adoption of a different policy, rule or regulation by the county board of supervisors by a majority of the members thereof present and voting; and the director thereof shall report and be responsible to the director of institutions and departments for the execution of all nonjudicial operational policies, rules and regulations governing the center, including activities of probation officers whenever they are not performing services for the court. The director of said center shall also be responsible for the preparation and submission to the county board of public welfare of the annual budget for the center except for such judicial functions or responsibilities which are delegated by law to the judge or judges and clerk of circuit court. Such board shall make provision in the organization of the office of director for the devolution of his authority in the case of his temporary absence, illness, disability to act or a vacancy in position and shall establish the general qualifications for the position. Such board shall have the further authority to investigate, arbitrate and resolve any conflict in the administration of the center as between judicial and nonjudicial operational policy, rules and regulations, except that the final disposition thereof shall be subject to the approval of the county board of supervisors by a majority of the members thereof present and voting, but shall not have authority or assert jurisdiction over the disposition of any case or child after a written order for detention is made under s. 48.29 (2) or if a petition is filed pursuant to s. 48.20. All sectional personnel, including employes of the detention home, shall be appointed under civil service by the director except that existing court service personnel having permanent civil service status may be reassigned to any of the respective sections within the center specified herein.

SECTION 3. 48.08 (3) (a) of the statutes is repealed and recreated to read:

48.08 (3) (a) The director of the children's court center appointed under s. 48.06 (1), or any person designated thereunder to exercise his authority during his absence, has the power to perform all the duties of a judge of the children's court prior to the filing of a petition, but such power shall not be exercised if such judge or a temporary judge is available at the center to perform the duty.

SECTION 4. 48.31 (1) and (3) of the statutes are amended to read:

48.31 (1) The county board of one county may establish a detention

home or 2 or more counties may join together and establish a detention home in accordance with s. 46.20. *In counties having a population of less than 500,000*, the policies of the detention home shall be determined by the judge of the juvenile court or, in the case of a detention home established by 2 or more counties, by a committee of the judges of the juvenile courts in the participating counties. *In counties having a population of 500,000 or more, the nonjudicial operational policies of the detention home and the detention section of the children's court center shall be established by the county board of public welfare as specified in s. 48.06 (1), and the execution thereof shall be the responsibility of the director of the children's court center.*

(3) *In counties having a population of less than 500,000*, the detention home shall be in charge of a superintendent and shall be furnished and conducted, as far as possible, as a family home. The judge or, where 2 or more counties operate a joint detention home, the committee of judges shall appoint the superintendent and other necessary personnel for the care and education of the children in the detention home, subject to civil service regulations in counties having civil service. In counties having a population of 500,000 or more ~~than 500,000 the chief probation officer may serve as superintendent of the detention home if the county board so determines~~, *the director of the children's court center under the direction of the county board of public welfare as specified in s. 48.06 (1) shall be in charge of and responsible for the detention home, the detention section of said center and the personnel assigned to this section, including a detention supervisor or superintendent. The director of the children's court center may also serve as superintendent of detention if the county board of supervisors so determines.*

SECTION 5. The provisions of this act are temporary and, unless extended by the legislature, shall cease to apply to any county having a population of 500,000 or more whenever an integrated family court system for matters arising under chapters 48, 52, 245 and 247 of the statutes has been established by the legislature and is in effect in such county.

SECTION 6. A committee to study the operation of the foregoing provisions as well as the court structures and services for children and youth in counties having a population of 500,000 or more, including their relation to family problems and family court matters, is hereby created. The committee shall consist of residents of such counties and be composed of 2 senators and 2 assemblymen chosen as are standing committees in each branch of the legislature, a children's or family court judge, a county supervisor, a judge having criminal jurisdiction over family cases, a primary or secondary school instructor or administrator, a county public welfare official and a law enforcement officer. The legislators so chosen shall select the other members. The committee shall function under and report its findings and recommendations and proposed legislation to the legislative council prior to January 1, 1967. The committee shall also cooperate with any similar study committee which may be established by the board of supervisors of any county having a population of 500,000 or more, and may conduct joint meetings or hearings with such similar committee in said county.

Approved December 14, 1965.