

**1983 Assembly Bill 440**

Date of enactment: **May 9, 1984**  
Date of publication: **May 17, 1984**

**1983 Wisconsin Act 436**

AN ACT *to amend 767.12 (1); and to create 767.13 (5) of the statutes, relating to permitting family court commissioners to preside over hearings in certain divorce actions.*

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

SECTION 1. 767.12 (1) of the statutes is amended to read:

767.12 (1) PROCEEDINGS. In actions affecting the family, all hearings and trials to determine whether judgment shall be granted, except hearings under s. 767.13 (5), shall be before the court. The testimony shall be taken by the reporter and shall be written out and filed with the record if so ordered by the court. Custody proceedings shall receive priority in being set for hearing.

SECTION 2. 767.13 (5) of the statutes is created to read:

767.13 (5) JUDGMENT OF DIVORCE. On authority delegated by a judge, which may be by a standard order, and with the approval of the chief judge of the judicial administrative district, a family court commissioner may preside at any hearing held to determine whether a judgment of divorce shall be granted, if both parties state that the marriage is irretrievably broken and that all material issues, including but not limited to division of property or estate, child custody, visitation or support, spousal maintenance and family support, are resolved or if one party does not participate in the action for divorce. The family court commissioner may grant and enter judgment in any action over which he or she presides under this subsection unless the judgment modifies an agreement between the parties on material issues. If the family court commissioner does not approve an agreement between the parties on material issues, the action shall be certified to the court for trial.

**SECTION 3. Initial applicability.** The treatment of sections 767.12 (1) and 767.13 (5) of the statutes by this act first applies to actions for divorce commenced after the effective date of this act.

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