

1993 Assembly Bill 676

Date of enactment: **April 15, 1994**  
Date of publication\*: **April 29, 1994**

## 1993 WISCONSIN ACT 318

**AN ACT to amend** 48.185 (1), 48.235 (4) (a) 6, 48.25 (6), 48.981 (7) (cm), 757.69 (1) (g), 801.50 (5s), 813.122 (5) (d) 1, 813.122 (6) (a) 2, 977.05 (4) (i) 5 and 977.08 (2) (e); and **to create** 48.065 (2) (gr), 48.065 (2) (gs) and 48.14 (10) of the statutes, **relating to:** child abuse and harassment temporary restraining orders and injunctions against children who perpetrate child abuse or harassment.

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

**SECTION 1.** 48.065 (2) (gr) of the statutes is created to read:

48.065 (2) (gr) Hold hearings, make findings and issue temporary restraining orders in proceedings under s. 813.122 in which the respondent is a child.

**SECTION 2.** 48.065 (2) (gs) of the statutes is created to read:

48.065 (2) (gs) Hold hearings, make findings and issue orders in proceedings under s. 813.125 in which the respondent is a child.

**SECTION 3.** 48.14 (10) of the statutes is created to read:

48.14 (10) Proceedings under s. 813.122 or 813.125 in which the respondent is a child.

**SECTION 4.** 48.185 (1) of the statutes is amended to read:

48.185 (1) Venue for any proceeding under ss. 48.12, 48.125, 48.13, 48.135, 48.14 (1) to (9) and 48.18 may be in any of the following: the county where the child resides, the county where the child is present or, in the case of a violation of a state law or a county, town or municipal ordinance, the county where the violation occurred. Venue for proceedings brought under subch. VIII is as provided in this subsection except where the child has been placed and is living outside the home of the child's parent pursuant to a dispositional order, in which case venue is as provided in sub. (2). Venue for a pro-

ceeding under s. 48.14 (10) is as provided in s. 801.50 (5s).

**SECTION 5.** 48.235 (4) (a) 6. of the statutes is amended to read:

48.235 (4) (a) 6. Petition for a temporary restraining order and injunction under s. 813.122 or 813.125.

**SECTION 6.** 48.25 (6) of the statutes is amended to read:

48.25 (6) If a proceeding is brought under s. 48.13, any party to or any governmental or social agency involved in the proceeding may petition the court to issue a temporary restraining order and injunction as provided in s. 813.122 or 813.125. The court exercising jurisdiction under this chapter shall follow the procedure under s. 813.122 or 813.125 except that the court may combine hearings authorized under s. 813.122 or 813.125 and this chapter, the petitioner for the temporary restraining order and injunction is not subject to the limitations under s. 813.122 (2) or 813.125 (2) and no fee is required regarding the filing of the petition under s. 813.122 or 813.125.

**SECTION 7.** 48.981 (7) (cm) of the statutes is amended to read:

48.981 (7) (cm) A county agency may disclose information from its records for use in proceedings under s. 48.25 (6) ~~or~~ 813.122 or 813.125.

**SECTION 8.** 757.69 (1) (g) of the statutes is amended to read:

757.69 (1) (g) When assigned to the court assigned jurisdiction under ch. 48, a court commissioner may, under ch. 48, issue summonses and warrants, order the

**1993 Assembly Bill 676**

release or detention of children apprehended, conduct detention and shelter care hearings, conduct preliminary appearances, conduct uncontested proceedings under ss. 48.12 and 48.13 ~~and~~, enter into consent decrees and exercise the powers and perform the duties specified in par. (j) or (m), whichever is applicable, in proceedings under s. 813.122 or 813.125 in which the respondent is a child. Waiver hearings under s. 48.18 and dispositional hearings under ss. 48.33 to 48.35 shall be conducted by a judge. When acting in an official capacity and assigned to the children's court center, a court commissioner shall sit at the children's court center or such other facility designated by the chief judge. Any decision by the commissioner shall be reviewed by the judge of the branch of court to which the case has been assigned, upon motion of any party. Any determination, order or ruling by the commissioner may be certified to the branch of court to which such case has been assigned upon a motion of any party for a hearing de novo.

**SECTION 9.** 801.50 (5s) of the statutes is amended to read:

801.50 (5s) Venue of an action under s. 813.122 or 813.125 shall be in the county in which the cause of action arose or where the petitioner or the respondent resides.

**SECTION 10.** 813.122 (5) (d) 1. of the statutes is amended to read:

813.122 (5) (d) 1. An injunction under this subsection is effective according to its terms, but for not more than 2 years or until the child victim attains 18 years of age, whichever occurs first.

**SECTION 11.** 813.122 (6) (a) 2. of the statutes is amended to read:

813.122 (6) (a) 2. The name of the respondent ~~and that the respondent is an adult.~~

**SECTION 12.** 977.05 (4) (i) 5. of the statutes is amended to read:

977.05 (4) (i) 5. Cases involving children ~~subject to s. 48.18 or to adjudication as a delinquent, children filing petitions under s. 48.375 (7) and persons subject to s. 48.366~~ who are entitled to counsel or are provided counsel at the discretion of the court under s. 48.23.

**SECTION 13.** 977.08 (2) (e) of the statutes is amended to read:

977.08 (2) (e) Cases involving children ~~subject to s. 48.18 or to adjudication as a delinquent, children filing petitions under s. 48.375 (7) and persons subject to s. 48.366~~ who are entitled to counsel or are provided counsel at the discretion of the court under s. 48.23.

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