

State of Wisconsin



2021 Assembly Bill 723

Date of enactment: **March 18, 2022**

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2021 WISCONSIN ACT 205

AN ACT to repeal and recreate 767.17 of the statutes; **relating to:** procedures for de novo review in actions affecting the family.

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

SECTION 1. 767.17 of the statutes is repealed and recreated to read:

767.17 De novo review. (1) **RIGHT TO DE NOVO REVIEW.** Any decision of a circuit court commissioner under this chapter 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 a circuit court commissioner under this chapter may be certified to the branch of court to which the case has been assigned, upon a motion of any party for a hearing de novo. A party is required to be present at the hearing in order to seek a de novo review. The right to seek a de novo review does not apply to stipulations entered into between the parties. Notices requesting a hearing de

novo will not stay the order unless the trial court specifically grants a stay of the order.

(2) **TIME LIMITS.** If a party seeks to have the trial court conduct a hearing de novo of a determination, order, or ruling entered by a court commissioner in an action affecting the family under this chapter, the party shall file a motion for a hearing de novo within 20 calendar days of the oral decision of the court commissioner or within 20 calendar days of the mailing of a written decision or order by the court commissioner if the decision or order was not given orally by the court commissioner at the time of the hearing. As set forth under s. 801.15 (1), 20 calendar days are counted consecutively and include weekends and holidays.

(3) **HEARING.** The court shall hold a hearing de novo no later than 60 days from the date of the filing of the motion under this section, except as otherwise required under s. 767.481.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."