

Chapter PW-CD 30

BUREAU OF COLLECTION AND DEPORTATION

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PW-CD 30.01 Delegation of authority. The bureau of collection and deportation and its chief counsel are delegated with authority to act for the department of public welfare and the director in all matters pertaining to hearings under section 46.106 (4), (5), (6), Wis. Stats.

PW-CD 30.02 Place of hearing. Unless otherwise ordered in the notice of hearing, all hearings shall be held in the hearing room, 2nd floor, north wing, state capitol, Madison, Wisconsin.

PW-CD 30.03 Conduct of hearing. All hearings shall be conducted and presided over by the chief counsel.

PW-CD 30.04 Hearings public. All hearings shall be open to the public, except where otherwise ordered by the department.

PW-CD 30.05 Continuances. Continuances and adjournments of hearings may be ordered by the department on motion of its chief counsel, or may be granted by it in its discretion on motion of either party filed in writing and showing good and sufficient cause therefor.

PW-CD 30.06 Subpoenas. The chief counsel may sign and issue subpoenas for the attendance of a party or any witness at such hearing.

PW-CD 30.07 Appearances. The county may appear by its district attorney or by a regularly employed assistant or by its corporation counsel or assistant. The state may appear by the attorney general or by one of his assistants. Appearances on applications made by department will be by attorney general or by one of his assistants. Upon an appearance at a hearing, the name and mail address of the party appearing shall be furnished and entered in the record of the proceedings and shall be binding as such upon the parties thereto.

PW-CD 30.08 Examination of witnesses. All witnesses shall be sworn by the chief counsel before testifying in the same manner as is provided by the statute in respect to swearing of witnesses testifying in proceedings before court of record. Witnesses may be examined or cross-examined by the chief counsel. Witnesses may be cross-examined by a party but no more than one individual shall cross-examine for such party.

PW-CD 30.09 Form and style of papers. All papers, pleadings, notices, exhibits, documents filed at or with reference to any hearing with the department shall be either printed or typewritten, and if typewritten shall be on only one side of plain, white paper and shall be on not more than 16 pound paper and not more than 8½ inches wide and 11 inches long. They shall not be bound with stiff covers or backs. Copies shall be legible but may be on any weight paper. An original and two copies thereof shall be filed with the department and a copy thereof also shall be served upon the respondent.

The original of all such papers (except exhibits offered as evidence) shall be signed with the handwritten signature of the party or attorney appearing for or with such party in the proceeding, and the name and mailing address of the party or of the representative appearing signing the same shall be printed or typed immediately following such written signature.

PW-CD 30.10 Record. All the proceedings at a hearing shall be taken down by a stenographic reporter or other recording methods and the transcript thereof, together with all exhibits, shall be a part of the official record of such proceedings. Any party desiring a copy of such transcript shall so indicate in advance and shall pay therefor the same fees as those of the official reporter of the circuit court for Dane county, Wisconsin.

PW-CD 30.11 Motions. Except during the hearing, motions shall be made in writing and signed by the party appearing in the proceedings therefor. At least five (5) days notice thereof shall be given to the department and to the adverse party by registered mail or by personal service.

PW-CD 30.12 Stipulations. All stipulations or agreements in reference to a matter the subject of a hearing or entered into at a hearing shall be either dictated at length into the record, or reduced to writing, signed by the persons or parties stipulating and filed as a part of the record of the proceedings. Controversies or matters which may be the subject or cause for a hearing may be disposed of by stipulation, agreed settlement or consent orders.

PW-CD 30.13 Application for relief. The application for relief, which need not be verified, shall in substance, be as follows:

STATE OF WISCONSIN: BEFORE THE STATE DEPARTMENT
OF PUBLIC WELFARE

-----,
Applicant,

vs.

Docket-----

Respondent.

To The State Department of Public Welfare:

(1) ----- County, under the provisions of Section 46.106 (4), Stats. 1947, hereby makes application for relief from charge for care of ----- at the -----.

Register, August, 1970, No. 176
Public Welfare

(2) That _____ was adjudged _____ by the Hon. _____, Judge of the _____, on the _____ day of _____, 19____, and was committed to the _____ as a charge of _____ County and has continued thereof to June 30th last as a charge of said county;

(3) That at time of said commitment _____ had a legal settlement (or residence under old law) in _____ and such charges should have been assessed against _____ as well as future charges from June 30th last;

(4) That affidavits and other proper evidence (specify) are attached hereto in support of this application;

(5) Wherefore, _____ County prays for an order granting _____ County relief from any erroneous charges heretofore paid or to be charged from June 30th last and to order all such charges assessed against _____.

Date

x County
By: _____ (signed)
District Attorney.

PW-CD 30.14 Docket. Upon filing of the applications with the department the proceedings will be docketed and assigned a number and the applicant notified thereof. This number shall be placed by the parties on all papers thereafter filed in the proceeding.

PW-CD 30.15 Issue. The proceedings shall be deemed to be at issue when an answer is filed or when 20 days after service of the application upon respondent has expired.

PW-CD 30.16 Answer. The answer, which need not be verified, shall fully set forth a statement of the reasons upon which respondent relies to defeat the proceeding and failure to make such answer within twenty (20) days after service of application shall constitute a default.

PW-CD 30.17 Amendments. Either party may amend his application or answer at any time before the hearing, by consent of the adverse party or by leave of the department. An original and 3 copies of such amendment shall be filed with the department and the department shall serve upon the adverse party or his attorney a copy of such amendment. All motions to amend must be accompanied by the proposed amendments.

PW-CD 30.18 Hearing. When a proceeding has been placed upon the calendar for hearing, the department will notify the parties of the time and place of hearing not less than 10 days prior thereto.

Parties shall arrange to have their witnesses in attendance at the time and place designated in the notice of hearing, and exhibits must be ready for presentation at such time. The unexcused absence of a party at the place and hour set for hearing will not be occasion for adjournment or delay.

PW-CD 30.19 Default. In case the respondent fails to submit an answer as required by PW-CD 30.16 or fails to appear at a hearing at the time and place fixed therefor, the charges shall be taken as true and the department may make findings and enter an order on the basis thereof. The default of a party in answering or in appearing shall not preclude the department from hearing said matter, taking such evidence as the chief counsel shall deem necessary and proper, the disposing of the matter.

PW-CD 30.20 Evidence. All evidence, testimony and exhibits must be of reasonable probative value to the subject matter of the hearing and all immaterial, irrelevant unduly repetitious evidence, testimony or exhibits will be excluded.

The following do not constitute evidence:

- (1) The application;
- (2) Statements of counsel;
- (3) Unidentified and unauthorized documents and letters;
- (4) Affidavits which have not been submitted to the opposing party and approved by such party to be submitted as evidence;
- (5) Briefs and written arguments.

PW-CD 30.21 Proposed findings of fact. The department may require either party to a proceeding to submit proposed findings of fact at the close of the hearing or within such time as it may direct.

PW-CD 30.22 Practice and procedure. Except as otherwise provided herein, the practice and procedure before the department will conform generally to the rules of practice before courts of equity. The aim is to secure the facts in as direct and simple a manner as possible.

PW-CD 30.23 Briefs. The department, in its discretion, may require that briefs be submitted either before or after the hearing and may designate the manner of filing and serving the same and the time therefor.

PW-CD 30.24 Costs. No costs of the proceeding can be recovered.

PW-CD 30.25 Amendment of rules. The department reserves the right to amend, alter or change these rules from time to time as, in its discretion, circumstances may require or render necessary or expedient, and in accordance with the provisions of sections 227.01 to 227.26 and section 46.106, Wis. Stats.