



Wisconsin Court System

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Wisconsin Court System

This paper is divided into five sections: (a) the history of the Wisconsin court system; (b) Supreme Court organization and current funding levels; (c) Court of Appeals organization and current funding levels; (d) circuit court organization and current funding levels; and (e) an outline of the legal process in Wisconsin.

History of the Wisconsin Court System

The Wisconsin court system was established when Wisconsin became a state in 1848 by Article VII of the Wisconsin Constitution. The state was divided into five judicial districts, with five judges who were required to meet in Madison at least once a year as a Supreme Court. In 1853, a separate Supreme Court was created with three members (one elected as chief justice). Two more members were added in 1877. An amendment in 1889 required that all justices be elected with the longest serving member presiding as Chief Justice. In 1903, the Supreme Court was expanded to its current seven members.

At that time, the Wisconsin Constitution also required separate "probate courts" and allowed for the Legislature to establish inferior courts. As a result, county courts were created with various types of jurisdiction and overlapping authority. In addition, municipalities established police justice courts for enforcement of local ordinances.

In 1962, the court system was reorganized into a two-tiered trial system, with circuit courts and county courts. The state was divided into 26 judicial circuits, of one or more counties and one or more judges. In addition, county courts were created with at least one judge in each county. County courts had exclusive jurisdiction in pro-

bate, mental health, small claims and juvenile proceedings.

Funding for the court system was a combination of state and county appropriations. Supreme Court operations were fully funded by the state. The state paid for salaries and fringe benefits of circuit court judges and court reporters and travel expenses for judges on temporary assignment, while counties paid all other salaries and expenses. In addition, the state paid for the salary and fringe benefits of county judges; however, counties were required to reimburse the state for 50% of these costs. The state also paid annual supplements to counties for family court commissioners. State law authorized counties to pay county supplements to the statutory salaries of circuit and county judges and their court reporters. If supplements were authorized, they were the responsibility of the counties. Municipal courts were funded solely by local units of government.

In 1977, the Constitution was amended to eliminate the requirement of one probate court in each county, and the Legislature passed the "Court Reorganization Act" effective August 1, 1978, merging circuit and county courts into one trial court system. An intermediate level Court of Appeals was also created. The operations of the Court of Appeals were fully funded by the state. Authorization for municipal courts was retained for municipalities to adjudicate local ordinance violations, such as parking enforcement. Municipalities were responsible for any costs relating to those courts.

As a result of court reorganization, the 26 circuit courts were expanded to the current 69, and existing circuit and county judges became judges in the circuit in which their chambers were located (respective court reporters remained with the judge). A circuit court was established in each

county except for three circuits which each contain two counties. All matters pending in county courts were transferred to the circuit court. The Act also phased out four existing judgeships and phased in 13 additional judgeships for a total of 190 circuit court judges in 1980. Fifty-nine judgeships have subsequently been created, including eight judgeships during the 2007 legislative session, bringing the total number of circuit court judges to 249.

Since August 1, 1978, the state has assumed the total cost of salaries and fringe benefits for circuit court judges and court reporters, and per diem payments and travel expenses for reserve judges and court reporters. Counties are responsible for other circuit court operational costs including salaries of clerks of court, court commissioners, courtroom security, clerical staff, office supplies, law libraries, jury costs and other operating costs, however, the state provides payments to counties to offset some of these costs. State funding of circuit court operations is discussed in more detail in the Circuit Courts section below. Operational costs of the Supreme Court and Court of Appeals remain with the state while the full cost of municipal courts has continued to remain with the municipalities that choose to operate a municipal court.

Supreme Court

The Supreme Court is the highest court in the state. The Court has discretion over which cases to hear. Four or more justices must approve a petition for original jurisdiction in a case, and three or more justices are required to grant appellate jurisdiction to review a decision of a lower court.

The Supreme Court consists of seven justices elected, on a nonpartisan basis, to 10-year terms, commencing the August 1st succeeding the election. Only one justice may be elected in any year.

Any mid-term vacancies are filled with gubernatorial appointees until a regularly-scheduled election. The justice with the greatest seniority serves as Chief Justice, unless he or she chooses otherwise. In 2016-17, the annual salary of the Supreme Court Justices is \$147,403.

In November, 2013, the Legislature approved on first consideration a constitutional amendment, 2013 Joint Resolution 16, to provide that the Chief Justice be elected to a two-year term by a majority of the justices, rather than having the justice with the greatest seniority serve as Chief Justice. The Constitution was amended after the resolution was adopted by the 2015 Legislature in identical form on second consideration and approved by the voters in April, 2015.

In 2016-17, the Supreme Court's budget totals approximately \$29.5 million (all funds) as shown in Table 1. Expenditures in 2015-16 totaled approximately \$26.8 million. The Supreme Court's general operations are funded through a sum sufficient, general purpose revenue (GPR) appropriation that includes salaries and fringe benefits for justices and court staff and operational costs. General fund expenditures are partially offset by filing fees, which generated revenue of \$40,400 in 2015-16.

Table 1: 2016-17 Supreme Court Funding

	Funding	Positions
General Operations	\$5,292,500	38.50
Director of State Courts and Law Library	20,399,000	147.75
Bar Examiners & Responsibility	<u>3,819,700</u>	<u>35.50</u>
Total	\$29,511,200	221.75

In addition to the general operations of the Supreme Court, the Court is charged with various other responsibilities including providing administrative services to the entire state court system, regulating the practice of law in Wisconsin and maintaining a state law library. These functions are also funded under the Supreme Court's budg-

et. The Director of State Courts, who is appointed by the Supreme Court, is responsible for the overall management of the judicial system. Such responsibilities include personnel, budget development, judicial education, the circuit court information program, interdistrict court assignments and court planning and research. In addition, under the 2015-17 biennial budget, the state law library appropriation was consolidated under the Director of State Courts' general program operations. In 2016-17, the appropriation for the Director of State Courts Office and Law Library has authorized 147.75 positions and a budget of \$20.4 million, of which \$7.0 million is program revenue (PR) for the circuit court automation programs from various court fees.

Also included under the Supreme Court's budget is the Bar Examiners and Responsibility program, which includes the Board of Bar Examiners and Office of Lawyer Regulation. These entities are funded from: (a) annual assessments to Wisconsin State Bar members; (b) fees for the State Bar examination; (c) State Bar admittance, reinstatements and screening fees; and (d) assessments related to disciplinary actions. The Board and Office are responsible for supervising the practice of law in Wisconsin, protecting the public from professional misconduct by members of the bar, and implementing and enforcing rules for mandatory continuing legal education and the state bar examination. For 2016-17, the Board of Bar Examiners is budgeted at \$769,300 PR and the Office of Lawyer Regulation at \$3,050,400 PR.

cept the Supreme Court. Any final judgment or order made in the circuit courts may be appealed in the Court of Appeals as a matter of right.

The Court of Appeals had 12 judges when it was created in 1977. Today, there are four appellate districts in the state (as shown in Appendix I) with 16 judges. Appellate judges are elected, on a nonpartisan basis, for six-year terms beginning on August 1st following the spring election. In 2016-17, the annual salary of the appellate judges is \$139,059.

The Supreme Court appoints a chief judge who serves a three-year term as the administrative head of the four appellate districts, and who selects a presiding judge in each of the districts. Judicial vacancies within the Court of Appeals are filled by gubernatorial appointment until a successor is elected. Table 2 shows the location of the chambers of each district and the number of judges assigned to that district.

The state pays all costs of the Court of Appeals. By statute, a Court of Appeals judge may hire a secretary and a law clerk. In total there are 75.5 positions funded under the Court of Appeals. As with the Supreme Court, the Court of Appeals' operations are funded through a sum sufficient GPR appropriation. In 2015-16, expenditures totaled \$10,219,000, which were partially offset by \$172,400 from filing fees for appeals cases. In 2016-17, the Court of Appeals has a budget of \$10,706,500.

Table 2: Court of Appeals

Court of Appeals	Number of Judges
District I (Milwaukee)	4
District II (Waukesha)	4
District III (Wausau)	3
District IV (Madison)	5

The Court of Appeals was mandated by a constitutional amendment on April 5, 1977. The Court of Appeals has supervisory authority over all actions and proceedings in all state courts, ex-

Circuit Court Overview

The circuit court is the trial court of general jurisdiction in Wisconsin, having original jurisdiction in civil and criminal cases, unless that jurisdiction is assigned to a higher court. The Wisconsin Constitution specifies that there will be judicial circuits with judges elected within those circuits. There are a total of 69 circuits and 249 branches and judges. In general, each county is its own circuit, except for three, two-county circuits including Buffalo and Pepin, Menominee and Shawano, and Florence and Forest (as shown in Appendix II). The 249 branches are divided into 10 judicial districts with a chief judge for each district appointed by the Supreme Court.

The number of court branches (judges) is statutorily determined. The Office of the Director of State Courts periodically requests the creation of additional court branches primarily based on: (a) a weighted caseload study; (b) district judicial need (the ability for neighboring circuits to cover additional workloads); (c) discussions with chief judges regarding problems handling current caseloads; and (d) the passage of a county board resolution in support of the creation of a new court branch.

Appendix III shows the most recent weighted caseload study (2016) by county. It should be noted that prior to 2007, weighted caseload studies were based solely on the number of judgeships in each county. In order to better reflect each county's judicial officer need, the Director of State Courts Office updated the caseload study methodology to also include the number of court commissioner positions. Further, the Appendix identifies the number of district chief judges needed for each judicial administrative district. Chief judges are responsible for administrative activities within each of the judicial districts.

Judges are elected on a nonpartisan basis to

six-year terms at the spring election and take office the following August 1st. Any vacancies that occur mid-term are filled by the Governor until a successor is elected. In 2016-17, the annual salary of circuit court judges is \$131,187.

In addition to the circuit judge, there are other staff that support court operations, a number of which are described below.

Reserve Judges. Wisconsin Statutes section 753.075 allows the Chief Justice of the Supreme Court to appoint a judge who has served a total of six or more years as a Supreme Court Justice, Court of Appeals judge or a circuit court judge to serve as a reserve judge. Also, a person may serve as a reserve judge if he or she was eligible to serve as a reserve judge before May 1, 1992, (anyone who, as of May 1, 1992, had served four or more years as a judge or justice and who had not been defeated in his or her last reelection). A reserve judge may perform the same duties as other judges, or as specified by the Chief Justice. Reserve judges typically fill in for sitting judges who are absent, or for temporary vacancies.

As of October, 2016, there were 109 former judges who were certified as reserve judges. Reserve judges are state funded, and currently receive \$454.11 per day for circuit court work (reserve judge compensation is increased at the same percentage that the salaries of circuit court judges increase). Under 2005 Act 403, reserve judges' salaries are established at 90% of the daily salary of a judge, rather than at a statutorily-specified per diem. In 2015-16, per diem payments and travel reimbursements for reserve judges totaled \$575,200 GPR.

Court Reporters. Section 751.02, of the statutes, authorizes each judge to appoint a court reporter to record and transcribe testimony in court proceedings. Over the years, some additional court reporter positions have been approved to handle increased workloads. Currently, the state pays the salaries and fringe benefits of 278 court

reporters. Salaries for court reporters in 2016-17 range from \$38,200 to \$70,400 annually. In addition, the state pays daily fees to private court reporters filling in for absent reporters on a temporary basis (\$197 per day for uncertified reporters and \$215 per day for certified reporters).

District Court Administrators. Supreme Court Rule 70.16(4) defines a district court administrator as a state employee who is qualified to: (a) provide administrative and technical assistance; and (b) to assist the chief judge in carrying out his or her duties and responsibilities. The chief judge appoints a district court administrator from a list of candidates supplied by the Director of State Courts. The chief judge may reject a list and request one additional list of candidates. Each district (identified in Appendix II) has a district court administrator. District I, Milwaukee County, also has an assistant district court administrator.

Clerks of Circuit Court. The Wisconsin Constitution provides that each county organized for judicial purposes shall have a clerk of the court who shall be an elected official and hold office for a two-year term. This is the only trial court officer required by the Constitution. The duties of a clerk of court may include keeping court papers, books and records; collecting and sending payments to the county treasurer for the state and the county's portion of fines, forfeitures, fees and surcharges; collecting and disbursing maintenance and support payments; performing duties with respect to jurors; and caring for the county law library, in addition to other duties required under law or in order to assist with court needs. Under state statute, counties with more than one circuit court branch may appoint one or more deputies for each branch. In counties with a population of more than 500,000, the clerk of court must appoint an assistant chief deputy clerk to assist in criminal and ordinance matters. The county pays for the full cost of clerk of court positions.

Circuit Court Commissioners. Court commissioners are authorized to assist with certain judicial duties and are appointed by the chief judge of the district. The county board establishes the salaries and number of commissioners, with some exceptions depending on the population of the county. The positions are funded by the county.

All counties are required to appoint a circuit court commissioner to supervise the office of family court commissioner. Counties may appoint one or more court commissioners on a part-time or full-time basis to assist in juvenile matters. Any county having a population of 500,000 or more is required to appoint a court commissioner for the office of probate court commissioner to assist in probate matters. Counties with a population of at least 100,000 but not more than 500,000 may establish a court commissioner position to supervise the office of probate court commissioner. Any county having a population of 500,000 or more is required to appoint a full-time court commissioner to assist in small claims procedures. Counties with a population of less than 500,000 may appoint a court commissioner to assist in small claims procedures.

Each circuit court commissioner must be licensed to practice law in Wisconsin and must take an official oath in the office of the clerk of court. The court commissioner has authority delegated by a judge with the approval of the chief judge which may include the following: (a) issue summons, arrest warrants or search warrants; (b) conduct initial appearances and set bail; (c) conduct preliminary examinations and arraignments and accept guilty pleas; (d) receive non-contested forfeiture pleas, order revocation or suspension of operating privileges, impose monetary penalties and refer cases to court for enforcement of nonpayment; (e) conduct initial return appearances and conciliation conferences; (f) conduct non-contested probate proceedings; (g) conduct detention and shelter care hearings for children; (h) review guardianships and protective place-

ments; (i) officiate wedding ceremonies; (j) conduct paternity proceedings; and (k) other judicial duties depending on the needs of the court.

Registers in Probate/Probate Register. Wisconsin statute 851.71 requires the judges of each county to appoint a register in probate, subject to the approval of the chief judge. Registers in probate file and keep probate records (such as wills, trusts, and probate court records), certify court records and perform other duties as prescribed by the judge. In addition, registers in probate have the same powers as clerks of court to certify copies of papers and judicial proceedings, have the power to administer any oath required by law, may have the powers of deputy clerks when appointed for this purpose, and may make orders for hearings when the judge is absent or when given authority. The salary of the register in probate is set and paid by the county.

In addition, Wisconsin statute 865.065 requires the court to designate, by a written order, an official to act as probate registrar. The probate registrar is usually the register in probate, but may be the clerk, deputy clerk, deputy register in probate or a court legal assistant designated by the court. Duties of the probate registrar include verification of applications for informal administration of properties; determination of whether an individual died with or without a will and whether the original will is in possession of the court; determination of whether the person nominated as personal representative is not disqualified or unsuitable; and determination that no demand for formal administration has been made and a will has not been probated elsewhere.

Court Security Officers (Bailiffs). Wisconsin statute 59.27 requires the sheriff of each county to provide a list of deputies for attendance at court when such list is requested by the court. The court may authorize additional bailiffs for security during criminal matters. The county board sets the rate of compensation and the level of service to be provided by the bailiffs in circuit

court. In addition, the sheriff or a deputy is required to attend the Court of Appeals when it is in session. Compensation for bailiffs attending the Court of Appeals is funded by the state, through the Court of Appeals' general operations appropriation, in the amount of the actual salary paid to the sheriff or deputy.

Other Support Staff. In addition to the positions listed above, there are a number of support staff who assist in circuit court operations. Judges may have a law clerk or judicial assistant. In general, law clerks perform legal research and draft memoranda and decisions for the judge. Judicial assistants assist with case and calendar management, schedule court hearings, trials, conferences and legal appointments; send notices to parties and attorneys; act as receptionists; and perform general clerical tasks. In some counties, such help is provided part-time, in others these duties may be accomplished by the existing court reporter, clerk of court staff or the judge.

Under 1997 Act 27, cities of the first class (currently, only the City of Milwaukee) were allowed to create offices of municipal court commissioners. Municipal court commissioners are authorized to preside over certain criminal proceedings, including conducting certain initial appearances; receiving non-contested forfeiture pleas; ordering revocation or suspension of driving privileges; imposing forfeitures, community service or restitution; and issuing warrants for nonappearance.

Expenditures for court support staff are primarily the responsibility of the county; however, the state pays the salary and fringe benefits of court reporters and provides payments to counties that may be used to offset costs of judicial assistants and other county court costs.

Court Appointees. Individuals may be appointed to participate in court proceedings in some function. Appointments may be made by the court, attorneys for the plaintiff or defendant, or may be required by statute on a case-by-case

basis. Court appointees include witnesses and expert witnesses, guardians ad litem, jurors, or interpreters. Appointees are paid on a daily, hourly or contractual basis. In some instances, the plaintiff or defendant is required to pay these costs, in other cases the county directly pays for these appointments. State funding is available to defray some of these costs, through the interpreter reimbursement and the guardian ad litem and circuit court support payment programs.

Circuit Court Expenditures and Funding

State Expenditures

Circuit court operations have historically been funded through a combination of state and county funding. The state pays the costs of salaries and fringe benefits for circuit court judges and court reporters, and the per diem costs for reserve judges and court reporters. In addition, the state provides funding to the circuit courts under the Supreme Court's appropriations. The Director of State Courts Office performs certain administrative function for circuit courts, including the Office of Court Operations and district court administrators. The Supreme Court also provides judicial education to circuit judges. In 2015-16, the state expended \$77.2 million on these circuit court costs.

While counties are responsible for other circuit court operational costs, including salaries of clerks of court, court commissioners, courtroom security, clerical staff, office supplies, law libraries, and jury costs, the state also provides payments to counties that may be used to offset some of these costs. These programs include: (a) circuit court support payments; (b) guardian ad litem (GAL) costs; and (c) court interpreter fee reimbursements (beginning in 2016-17, these three programs are consolidated into the circuit court costs program). Finally, the state provides auto-

mation services and equipment through the Circuit Court automation program (CCAP). In 2015-16, the state expended \$31.6 million on the programs, which are summarized below.

In total, the state expended \$108.8 million on the circuit court system in fiscal year 2015-16, as identified in Table 3. Appendix IV identifies state expenditures for each county in 2015-16 (the amounts identified in the appendix for the court support payments, guardian ad litem payments, and interpreter reimbursement are for calendar year 2015).

Table 3: State Expenditures on Circuit Courts, 2015-16

Judges and Court Reporters	\$72,793,400
Director of State Courts (prorated)	949,600
Office of Court Operations	901,600
District Court Administrators	2,156,700
Judicial Education	434,100
CCAP	7,273,100
Court Support Payments	18,552,200
Guardian Ad Litem Payments	4,691,100
Interpreter Reimbursement	<u>1,093,300</u>
Total	<u>\$108,845,100</u>

Circuit Court Costs Appropriation. Under 2015 Act 55, the circuit court support payments, guardian ad litem costs, and court interpreter fee reimbursements were consolidated into one, biennial appropriation, titled the circuit court costs appropriation. The appropriation went into effect on July 1, 2016. For 2015-16, amounts were distributed under the statutory direction for the previous three support programs. Under the new appropriation, the Director of State Courts makes payments to counties for circuit court costs. The Director of State Courts, at the direction of the Supreme Court, defines "circuit courts costs" for the purpose of making payments. Funding for the appropriation is \$24,676,800 GPR annually.

Circuit Court Automation Programs (CCAP). The circuit court automation program was created in 1987-88 to provide uniform software applications to counties, including circuit court case

management, jury management, financial management, court calendaring, and training on the computer system. Counties have the option of using the state CCAP system and receiving hardware, software, technical support, and training from the state or having their own system and receiving reimbursement from the state. The case and financial management systems have been installed in all of the state's 72 counties.

Operations for CCAP are supported through PR funding received from a variety of court-related fees, as follows:

- a. \$15 of the filing fee to commence civil or family actions or to change venue in such actions (\$75-\$105, depending on type of action);
- b. \$5 of the \$45 filing fee for third-party complaints in civil actions;
- c. \$5 of the fee to appeal or review a municipal court or administrative decision (\$40 or \$55, depending on whether a new trial is requested);
- d. \$5 of the \$20 fee to commence garnishment actions;
- e. \$11.80 of the \$22 filing fee to commence or change venue in small claims actions;
- f. \$10 of the \$53 fee for filing a counterclaim or cross complaint in small claims actions; and
- g. \$5 of the \$25 fee in forfeiture actions;
- h. \$6 of the \$21.50 justice information systems surcharge, which is applied to above-referenced actions.

In 2015-16, revenue generated from the above fees totaled \$7,448,600, and CCAP expended \$7,273,100 PR. For 2016-17, CCAP has a base budget of \$7,000,000 PR to install and maintain

system hardware and software applications, replace obsolete hardware and software, train county staff, and provide ongoing technical assistance for all components of the system.

County Expenditures

Data on county expenditures for circuit courts are limited. Each year counties report "judicial expenditures" to the Department of Revenue (DOR), which are described as expenditures involving the "circuit court, clerk of courts, probate court, family court commissioner, law library, public defenders for indigent defendants, coroner, etc." In calendar year 2015, counties reported expenditures totaling \$207.2 million. However, because there is an array of items that counties could list as judicial costs, the consistency of reports among counties is uneven. For instance, some counties report facility costs such as renovation and construction while others do not. Some counties may include the total operational cost of the courthouse, including other entities located on the premises (such as the district attorney's office and other local offices), while other counties only report the portion allocated for court operations. In addition, some costs that counties report, such as coroners, may be viewed as unrelated to court costs.

To address the issue of limited data on county judicial expenditures, statutory language was created to require counties to report "actual court costs" on all court functions except costs related to courtroom security, rent, utilities, maintenance, remodeling and construction. Counties reported spending \$205.2 million in calendar year 2015 on all court costs, of which \$163.7 million were allowable under the circuit court support payment program.

It should be noted that concerns regarding inconsistencies in reporting among counties led to 2007 legislation authorizing the Director of State Courts to create a uniform chart of accounts that counties must use for recording all financial

transactions for court operations. The Director of State Courts has completed audits on all 72 counties and made a number of recommendations to improve the reporting of county financial information. For example, some counties did not include family court counseling in their court operation expenditures, and some counties reported the net amount of their revenues and expenditures, rather than reporting total revenues and expenditures separately. New audits will begin in 2017, and the Director of State Courts will continue to work with counties to resolve any outstanding inconsistencies.

Circuit Court Revenues

Revenues generated by the circuit courts include amounts collected from fees, fines, forfeitures, and surcharges imposed by the court. Appendices V to VII provide a description of all the statutory fees, fines, forfeitures, and surcharges and indicate whether amounts collected are either retained by the state or shared between the state and counties. Appendix VIII lists court fees that are wholly retained by the county. The appendices identify how the collected revenues are dispersed.

Fines and Forfeitures. Fines are levied in criminal actions while forfeitures are imposed in civil enforcement actions (such as most traffic violations). Fine and forfeiture amounts vary depending on the specific violation. Article X, Section 2, of the Wisconsin Constitution, requires that the clear proceeds from fines and forfeitures collected by counties be deposited to the state's common school fund, for the support and maintenance of Wisconsin public schools and the "purchase of suitable libraries." Under s. 59.25(3)(j)&(m) of the statutes, the Legislature has authorized counties to retain, as an administrative fee, 10% of state fines and forfeitures, except for the following: (a) 50% of motor vehicle forfeitures and fines (excluding state motor vehicle size, weight and load forfeitures and fines, for which counties retain 10%); and (b) 50% of oc-

cupational driver's license fees. In 2015-16, the state received a total of \$10,652,900 from fines and forfeitures. Appendix V identifies the statutory provisions related to fines and forfeitures.

Court Fees and Surcharges. Fees are typically assessed at the initiation of an action, and revenues collected are retained by the county, sent to the state or split between the county and the state, depending on the court fee involved. Examples of court fees include fees for the following: (a) to commence legal actions or appeals; (b) to file and docket judgments; (c) to file petitions or motions; and (d) to utilize mediation in family actions. Appendix VI identifies court fees and their statutory provisions.

In addition to court fees, the Legislature has created various surcharges on certain fines and forfeitures to generate additional revenue for state programs. The amounts of most surcharges are based on either percentages of the fine or forfeiture or a flat amount, depending on the surcharge. The first surcharge, created in 1977, was the penalty assessment, created primarily to provide funding for training the state's law enforcement officers. Since then the number of surcharges and other court-ordered payments has steadily grown. Examples of surcharges include the justice information systems surcharge, the penalty surcharge, crime victim and witness assistance surcharge, and drug offender diversion surcharge. Appendix VII provides a list of statutory surcharges and how the surcharge revenue is utilized.

The surcharge that generates the most revenue for the state is the court support services surcharge. While funding for the circuit court support costs is provided from the general fund, the court support services surcharge was created in 1993 to offset the costs of these programs to the state. Revenue generated from the surcharge is deposited to the state's general fund and not directly appropriated to the courts. The surcharge was originally a \$20 fee on all forfeiture judg-

ments and most civil court filings. Under 1995 Act 27, the surcharge was increased and modified according to the type of claim filed. The surcharge was increased 30% under 2001 Act 109. Under 2003 Act 33, the surcharge was further increased by 30% and is now: (a) \$51 for various small claims filings; (b) \$169 for various large claims filings; and (c) \$68 for forfeiture action judgments, appeals from municipal courts or administrative decisions, and certain court filings not covered under (a) or (b) above. In 2015-16, the court support services surcharge generated \$37,382,700 in revenue.

In addition to the court support services surcharge revenue, the state collected \$59,294,600, from other court fees and surcharges in 2015-16. Much of this revenue is designated for specific programs, such as law enforcement training, victim/witness assistance, drug abuse treatment, and domestic abuse. Appendix IX identifies the amount of revenue generated in 2016 from fines and forfeitures, court fees, the court support services surcharge, and other surcharges by each county.

Similar to county expenditures, there are inconsistencies with reporting of counties' share of circuit court revenue. Counties report separately to the Department of Revenue (DOR) and to the Department of Administration (DOA) the amount of revenue collected from the operation of the court system. For 2015-16, counties reported to DOA that their share of total circuit court revenue was \$31,363,500. For calendar year 2015 counties reported to the Department of Revenue that their share of circuit court revenue was \$47,838,600.

Much of the difference in reported revenues results from fees wholly retained by counties (such as copy and jury fees) which are not reported to DOA, but may be included in the report to DOR. Also, differences may result from differing reporting periods (state fiscal year compared to calendar year data). In addition, counties re-

port to DOA on a monthly basis, whereas DOR expenditures are reported annually. Therefore, revenue that counties receive in one month may be attributed to actions completed in a prior month, and may not be consistently captured in the monthly reports to DOA. Further, data reported to DOA is detailed by statutory cite; for example the penalty surcharge and the weapons surcharge separately. Data are reported to DOR in three broader categories: (a) law and ordinance violations; (b) court fees and costs; and (c) probate fees. In addition, data reported to DOA do not include the restitution fee, the restitution administrative surcharge or the crime prevention organization contribution. Appendix X provides a county breakout of the data reported to DOA.

Comparison of Circuit Court Revenues and Expenditures

Based on the information reported to DOR, in calendar year 2015, counties spent \$207.2 million on circuit court operations and received \$47.8 million in court collected revenues. The difference of \$159.4 million is primarily funded through local taxes and unrestricted state aid payments, such as shared revenue. Counties received \$157.6 million in county and municipal and public utility aids in 2015 (\$122.6 million in county and municipal aid and \$35.0 million in public utility aid).

State expenditures are reported based on a fiscal year, beginning on July 1st of one year and ending on the following June 30, so that a direct comparison cannot be made between county calendar year and state fiscal year expenditures and revenues. The state spent \$108.8 million in 2015-16 for the circuit courts and, as reported by the Director of State Courts from information reported to DOA, received \$107.3 million in revenue from fines and forfeitures, court fees, and surcharges. Much of the revenue received by the state, while still offsetting total state costs, is earmarked for specific programs, such as schools, law enforcement training, victim/witness assis-

tance, drug abuse treatment and domestic abuse.

While direct comparisons may be of limited value given the inconsistencies in reported data and the differences between the calendar year and state fiscal year, Table 4 indicates that total circuit court operating expenditures exceeded revenue collected by circuit courts by approximately \$160.9 million. These expenditures are largely financed at the state level by revenue collected from general state taxes; and at the county level by local property taxes, state shared revenues and state-funded mandate relief, and state-funded circuit court support and GAL payments, and interpreter reimbursement programs (consolidated under the circuit court costs appropriation beginning in 2016-17).

Table 4: Circuit Court Expenditures and Revenues at the State and County Levels (in Millions)

	Fiscal Year 2015-16 State	Calendar Year 2015 County
Revenues	\$107.3	\$47.8
Expenditures	<u>108.8</u>	<u>207.2</u>
Expenditures Over Revenues	-\$1.5	- \$159.4

The Wisconsin Legal Process

Both state and federal courts have jurisdiction over Wisconsin citizens. State courts generally only handle cases involving state laws; however, the federal government may give state courts jurisdiction over certain federal questions. The following is an outline of the state's civil and criminal court processes. It should be noted that this is a general overview and does not address the detailed specifics of each type of case (for example, certain civil procedures may vary for small claims or family matters). This overview does not

include a description of juvenile court proceedings. Information on court proceedings in juvenile matters can be found in the Legislative Fiscal Bureau's informational paper entitled, "Juvenile Justice and Youth Aids Program."

Civil Cases

Civil cases involve individual claims in which a person seeks a remedy for some alleged wrong done by another. In general, the complaining party (plaintiff), may sue the offending party (defendant), for payment of injuries suffered by the complaining party, if the complaining party suffered a wrong for which the law provides a remedy. The general process is outlined below:

- a. Plaintiff files a summons and complaint with the circuit court.
- b. Defendant is served with copies and a summons directs the defendant to respond (answer) to the plaintiff.
- c. Various pretrial proceedings occur including motions, pretrial conferences, discovery and formal or informal negotiations between the parties.
- d. In most cases, a settlement is reached at this point and court proceedings end. However, for the remainder of cases trial preparations continue, although a settlement may still occur either before trial or during trial.
- e. Under state and federal law, trial by jury is guaranteed but, if both parties consent, a trial may be conducted without a jury. For civil cases in Wisconsin state court, the jury consists of six persons, unless a greater number (not to exceed 12) is requested.
- f. Final judgment -- if a jury is present, five-sixths of the jurors must agree on the verdict. The court (judge) makes a judgment for the plaintiff or the defendant based on the verdict.

The plaintiff must typically prove his or her case by a preponderance of the evidence (that is, jurors must be convinced that the plaintiff's evidence is more persuasive, otherwise the verdict should be for the defendant).

g. Final judgment -- if a jury trial has been waived, the court (judge) makes a judgment for the plaintiff or the defendant based on trial testimony and evidence. Either party may file for reconsideration of the circuit court's decision based on new information.

h. Court of Appeals -- a final judgment may be appealed to the State Court of Appeals. The court must accept the appeal. The appellate court may uphold or reverse, in whole or in part, the decision of the circuit court.

i. Supreme Court -- either party may petition for review by the Supreme Court of a lower court's opinion. However, the Supreme Court has the authority to accept or refuse to hear the appeal. The Supreme Court is the court of final authority in Wisconsin, except for cases involving federal issues appealable to the U.S. Supreme Court.

Criminal Cases

A criminal case involves an act prohibited by state law and punishable by fine or imprisonment, or both. Civil enforcement actions, such as most traffic violations, are distinguished from criminal actions in that a forfeiture (payment) may be imposed (much like a criminal fine), but imprisonment cannot be imposed (except under the court's contempt powers for failure to comply with a court order). There are two types of crimes: felonies and misdemeanors. A felony may be punishable by imprisonment in the state prison. Misdemeanors include all criminal cases that are not felonies. In general, misdemeanors have maximum sentences of less than one year in a county jail, unless the statutes state otherwise (for example, some misdemeanors are punishable

only by fines). The criminal process is outlined below.

a. The state brings action against the defendant. Typically, the prosecutor files a criminal complaint in the circuit court stating the essential facts of the offense.

b. In the case of a felony, if the defendant has not been arrested at the time of the filing of the criminal complaint, the judge or court commissioner issues a warrant for arrest. Law enforcement officers must execute a warrant and make an arrest. A summons to appear is issued for a misdemeanor. A summons may be delivered through the mail.

c. The defendant may be taken into custody and appears before a judge or court commissioner, and informed of the charges and the right to be represented by a lawyer. If the defendant is found to be an eligible indigent, an attorney will be appointed by the State Public Defender. Bail may be set at this time (either a cash amount or a signature bond) to assure the defendant's appearance at future proceedings. If bail cannot be produced, the defendant is held in the county jail.

d. For a misdemeanor, the accused is asked to enter a plea and a trial date, if necessary, is set. [Go to g.]

e. For a felony, the defendant has the right to a preliminary examination, which is a hearing in the circuit court to determine whether the state has probable cause to charge the individual. If probable cause is found or if the preliminary examination is waived, an arraignment is held.

f. At the arraignment, the defendant enters a plea of guilty, not guilty, no contest or not guilty by reason of mental disease or defect. (Arraignments typically occur on the same date as the preliminary hearing).

g. Most criminal cases are decided before

trial (typically by a plea of guilty or no contest, but sometimes through a dismissal or other action). However, if a trial occurs, the case is heard in the circuit court in front of a judge and a jury of 12, unless both parties waive the right to a jury trial or there is an agreement between the parties for fewer jurors.

h. Jury trial -- the jury considers the evidence presented at the trial, determines the facts and renders a verdict of guilty or not guilty. Jurors must be convinced of the defendant's guilt beyond a reasonable doubt. The verdict must be unanimous. If the jury cannot make an unanimous decision, it is referred to as a "hung" jury. The defendant may be retried by a new jury at the discretion of the district attorney.

i. No jury trial -- the judge makes the ruling of guilty beyond a reasonable doubt or not guilty.

j. A not-guilty judgment -- the defendant is cleared of alleged fault or guilt (acquitted) and cannot be tried again for the same offense ("double jeopardy").

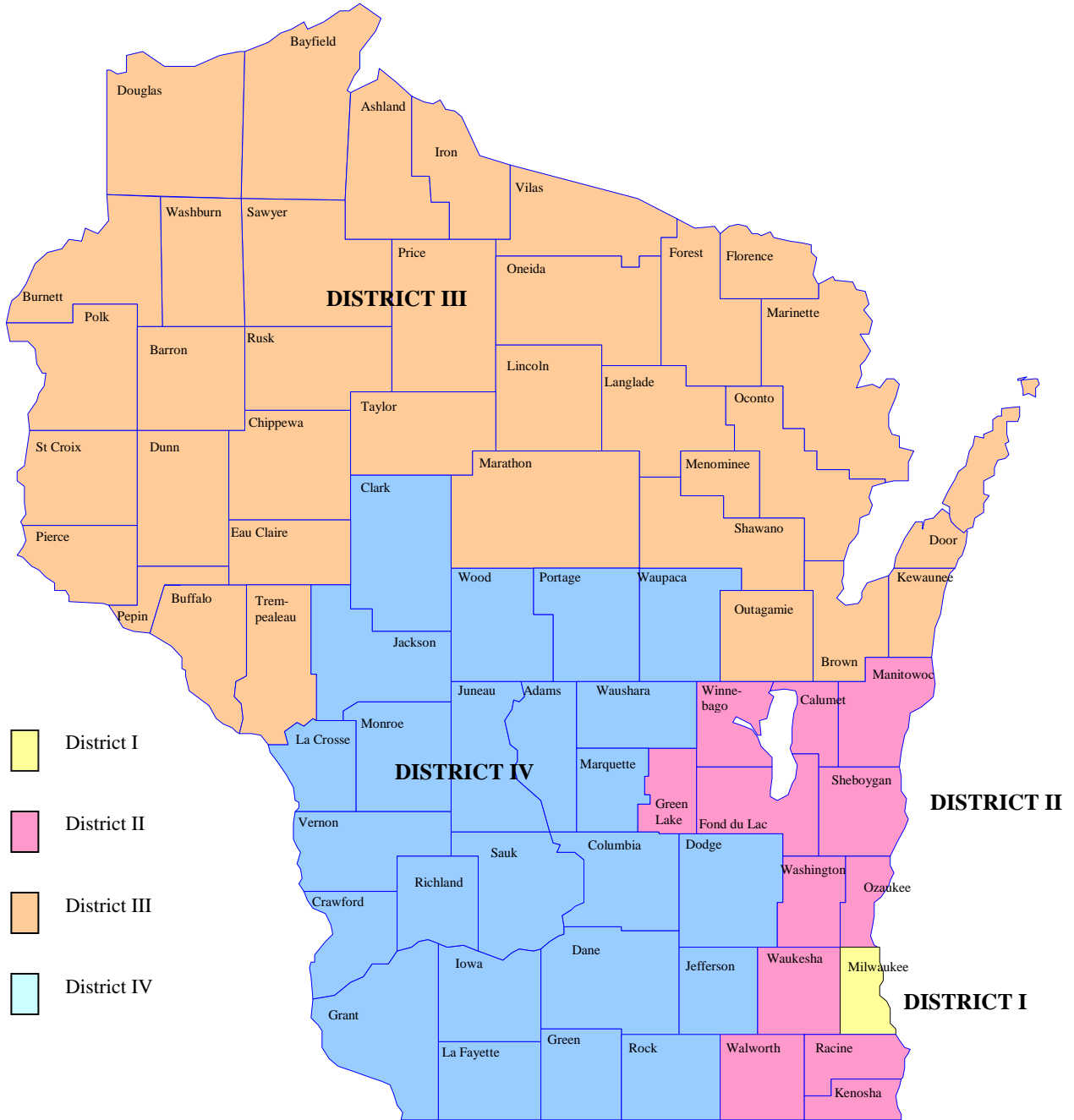
k. If guilt is determined (either through a guilty plea or trial verdict), the court (judge) enters a judgment of conviction and determines the penalty (sentencing) for the crime within the statutory range. A defendant may also plead no contest which results in the same criminal consequences as a plea of guilty, but the plea cannot be used in civil litigation against the defendant. [See Legislative Fiscal Bureau's informational paper entitled, "Felony Sentencing and Probation" for more information on sentencing.]

l. Court of Appeals -- a final judgment may be appealed to the State Court of Appeals. The Court must accept the appeal. The appellate court may uphold or reverse the decision of the circuit court.

m. Supreme Court -- either party may petition for review of a lower court's opinion by the Supreme Court. However, the Supreme Court has the discretion to decide which cases it will hear. The Supreme Court is the court of final authority in Wisconsin, except for cases involving federal issues appealable to the U.S. Supreme Court.

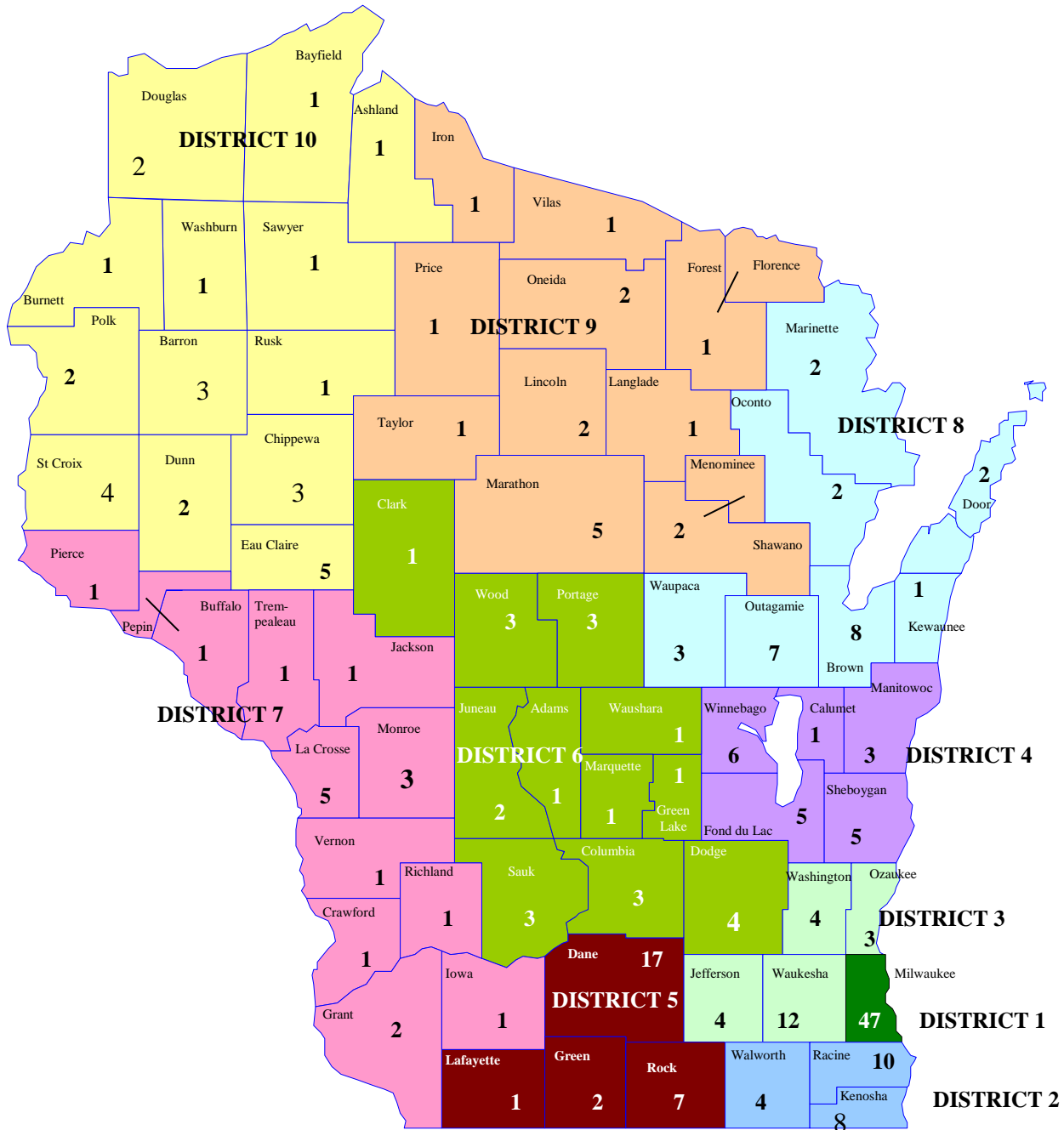
APPENDIX I

Court of Appeals Districts



APPENDIX II

Circuit Court Branches and Judicial Administrative Districts



10 Judicial Administrative Districts for Circuit Court Branches

249 Total Circuit Court Branches

APPENDIX III

2016 Circuit Court Caseload Study By County

County	Caseload Study of Judicial Officer Need	Current Number of Judges	Current Number of Court Commissioners (Estimated)	Judicial Officer Need
Adams	1.56	1	0.25	0.25
Ashland	1.36	1	0.24	0.24
Barron	3.42	3	0.31	0.31
Bayfield	1.19	1	0.11	0.11
Brown	15.53	8	4.00	3.53
Buffalo & Pepin	1.80	1	0.24	0.56
Burnett	1.51	1	0.30	0.21
Calumet	1.88	1	0.50	0.38
Chippewa	3.97	3	0.40	0.58
Clark	1.50	1	0.13	0.37
Columbia	4.40	3	0.38	1.02
Crawford	0.68	1	0.05	-0.37
Dane	25.18	17	10.50	-2.32
Dodge	4.54	4	0.75	-0.21
Door	1.60	2	0.35	-0.75
Douglas	3.25	2	1.00	0.25
Dunn	3.32	2	0.10	1.21
Eau Claire	7.75	5	1.08	1.67
Florence/Forest	1.39	1	0.22	0.17
Fond Du Lac	6.67	5	1.03	0.64
Grant	2.67	2	0.35	0.32
Green	1.90	2	0.03	-0.13
Green Lake	1.24	1	0.05	0.19
Iowa	1.35	1	0.11	0.24
Iron	0.43	1	0.04	-0.61
Jackson	1.86	1	0.18	0.68
Jefferson	5.22	4	2.00	-0.78
Juneau	1.99	2	0.48	-0.49
Kenosha	12.57	8	3.33	1.24
Kewaunee	0.78	1	0.31	-0.52
La Crosse	6.86	5	1.03	0.83
Lafayette	0.84	1	0.09	-0.25
Langlade	1.65	1	0.23	0.42
Lincoln	1.96	2	0.15	-0.19
Manitowoc	4.87	3	1.25	0.62
Marathon	7.93	5	1.03	1.90
Marinette	2.04	2	1.00	-0.96
Marquette	0.96	1	0.00	-0.04
Milwaukee	68.24	47	22.00	-0.76
Monroe	3.51	3	0.26	0.25

County	Caseload Study of Judicial Officer Need	Current Number of Judges	Current Number of Court Commissioners (Estimated)	Judicial Officer Need
Oconto	1.76	2	1.00	-1.24
Oneida	2.59	2	0.33	0.26
Outagamie	10.40	7	3.50	-0.10
Ozaukee	3.16	3	1.00	-0.84
Pierce	1.59	1	1.01	-0.42
Polk	3.10	2	0.50	0.60
Portage	3.86	3	1.02	-0.16
Price	0.80	1	0.30	-1.50
Racine	16.06	10	3.77	2.29
Richland	0.99	1	0.19	-0.20
Rock	10.95	7	2.93	1.02
Rusk	1.01	1	0.00	-0.04
Sauk	4.56	3	1.00	0.56
Sawyer	1.49	1	0.09	0.40
Shawano/Menominee	2.66	2	0.01	1.65
Sheboygan	6.42	5	1.90	-0.48
St Croix	4.79	4	0.80	-0.02
Taylor	0.97	1	0.24	-0.27
Trempealeau	1.47	1	0.27	0.20
Vernon	1.26	1	0.02	0.24
Vilas	2.19	1	0.06	1.13
Walworth	5.46	4	1.75	-0.29
Washburn	1.20	1	0.08	0.12
Washington	5.64	4	1.34	0.30
Waukesha	16.00	12	4.00	0.00
Waupaca	3.11	3	0.06	0.05
Waushara	1.73	1	0.31	0.42
Winnebago	10.67	6	3.00	1.67
Wood	<u>5.12</u>	<u>3</u>	<u>0.05</u>	<u>2.07</u>
Total	352.38	249	86.15	17.23

Administrative District Chief Judge Workload Need

District*	Caseload Study of Administrative Judge Need	Current Number of Administrative Judges	Administrative Judge Need
District 1	2.0	1.0	1.0
District 2	1.5	1.0	0.5
District 3	1.5	1.0	0.5
District 4	1.5	1.0	0.5
District 5	1.5	1.0	0.5
District 6	1.5	1.0	0.5
District 7	1.5	1.0	0.5
District 8	1.5	1.0	0.5
District 9	1.5	1.0	0.5
District 10	<u>1.5</u>	<u>1.0</u>	<u>0.5</u>
Statewide Total	15.5	10.0	5.5

*For the location of Judicial Administrative Districts, see Appendix II.

APPENDIX IV

**State Expenditures on Circuit Courts, by County
2015-16***

County	Estimated Circuit Court Costs**	Circuit Court Support Payments	Guardian Ad Litem Cost Payments	Court Interpreter Fee Reimbursement	Total
Adams	\$339,392	\$52,275	\$20,853	\$2,851	\$415,371
Ashland	339,392	52,275	17,591	0	409,258
Barron	1,018,175	195,951	47,247	1,816	1,263,189
Bayfield	339,392	52,275	15,468	0	407,135
Brown	2,715,133	718,464	172,862	56,295	3,662,753
Buffalo	236,536	39,463	11,385	1,522	288,906
Burnett	339,392	52,275	17,992	289	409,948
Calumet	339,392	52,275	25,570	4,942	422,179
Chippewa	1,018,175	221,514	55,478	1,634	1,296,800
Clark	339,392	52,275	24,344	9,800	425,810
Columbia	1,018,175	212,136	59,177	16,044	1,305,532
Crawford	339,392	52,275	15,991	0	407,658
Dane	5,769,657	1,473,103	319,656	83,105	7,645,521
Dodge	1,357,566	303,091	76,367	14,293	1,751,317
Door	678,783	126,573	29,882	5,156	840,394
Douglas	678,783	150,937	39,756	2,010	871,486
Dunn	678,783	150,517	48,547	4,520	882,367
Eau Claire	1,696,958	362,301	97,354	14,029	2,170,642
Florence	76,437	19,521	4,138	60	100,156
Fond du Lac	1,696,958	365,225	98,470	23,480	2,184,133
Forest	262,955	42,754	11,159	0	316,868
Grant	678,783	163,565	39,917	3,038	885,303
Green	678,783	139,860	32,444	2,946	854,033
Green Lake	339,392	52,275	17,597	1,606	410,870
Iowa	339,392	52,275	18,355	1,277	411,298
Iron	339,392	52,275	10,122	883	402,672
Jackson	339,392	52,275	24,953	2,605	419,224
Jefferson	1,357,566	295,237	70,520	24,290	1,747,613
Juneau	678,783	125,007	37,641	455	841,886
Kenosha	2,715,133	589,437	159,878	50,797	3,515,244
Kewaunee	339,392	52,275	14,547	299	406,513
La Crosse	1,696,958	386,729	85,684	5,165	2,174,536
Lafayette	339,392	52,275	15,812	2,552	410,031
Langlade	339,392	52,275	18,873	862	411,401
Lincoln	678,783	127,834	28,443	615	835,675
Manitowoc	1,018,175	248,975	63,179	8,076	1,338,404
Marathon	1,696,958	413,862	97,502	37,096	2,245,418
Marinette	678,783	147,045	33,559	3,020	862,407
Marquette	339,392	52,275	15,930	920	408,516
Menominee	6,885	10,858	0	98	17,841

APPENDIX IV (continued)

**State Expenditures on Circuit Courts, by County
2015-16***

County	Estimated Circuit Court Costs**	Circuit Court Support Payments	Guardian Ad Litem Cost Payments	Court Interpreter Fee Reimbursement	Total
Milwaukee	\$15,951,404	\$3,413,526	\$915,500	\$368,255	\$20,648,684
Monroe	1,018,175	194,928	46,417	8,158	1,267,677
Oconto	678,783	141,651	31,422	3,518	855,374
Oneida	678,783	138,749	37,071	1,414	856,017
Outagamie	2,375,741	566,335	133,482	13,132	3,088,690
Ozaukee	1,018,175	257,681	50,980	5,052	1,331,888
Pepin	102,856	22,812	5,218	764	131,650
Pierce	339,392	52,275	21,110	718	413,494
Polk	678,783	150,998	36,892	1,174	867,847
Portage	1,018,175	233,296	54,965	9,742	1,316,178
Price	339,392	52,275	15,222	38	406,926
Racine	3,393,916	716,351	203,953	76,508	4,390,728
Richland	339,392	52,275	16,914	1,072	409,652
Rock	2,375,741	536,416	143,510	39,598	3,095,265
Rusk	339,392	52,275	14,343	2,570	408,580
Sauk	1,018,175	220,093	60,611	18,898	1,317,776
Sawyer	339,392	52,275	15,217	1,423	408,307
Shawano	671,898	146,568	37,543	2,752	858,761
Sheboygan	1,696,958	384,659	87,382	19,245	2,188,243
St. Croix	1,357,566	297,882	60,221	2,771	1,718,440
Taylor	339,392	52,275	16,295	2,437	410,398
Trempealeau	339,392	52,275	24,885	8,180	424,732
Vernon	339,392	52,275	18,551	583	410,801
Vilas	339,392	52,275	9,892	0	401,559
Walworth	1,357,566	323,571	76,834	21,537	1,779,509
Washburn	339,392	52,275	17,126	0	408,793
Washington	1,357,566	368,985	75,547	15,381	1,817,479
Waukesha	4,072,699	1,097,264	203,462	61,280	5,434,705
Waupaca	1,018,175	205,587	50,202	3,953	1,277,917
Waushara	339,392	52,275	21,323	3,805	416,794
Winnebago	2,036,349	506,326	135,964	9,715	2,688,355
Wood	<u>1,018,175</u>	<u>239,413</u>	<u>58,803</u>	<u>1,170</u>	<u>1,317,561</u>
Total	\$84,508,500	\$18,552,200	\$4,691,100	\$1,093,288	\$108,845,088

* The estimated circuit court costs identified in the table are for fiscal year 2015-16, while the circuit court payments, guardian ad litem payments, and court interpreter fee reimbursement are for calendar year 2015.

** Estimated circuit court costs include costs associated with judges, court reporters, district court administrators, judicial education, Office of Court Operations, CCAP, and a portion of the Director of State Courts and Management Services offices. Statewide costs are prorated based on the number of branches.

APPENDIX V

Fines and Forfeitures

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
State fines and forfeitures for violations of any traffic, motor vehicle or driver's license regulations (s. 59.25(3)(j), chs. 341-347, 349 and 351))	Fines and forfeitures imposed by courts for violations of state laws regarding registration of vehicles, vehicle title and anti-theft law, operator's licenses, vehicles - financial responsibility, vehicles - civil and criminal liability, rules of the road, equipment of vehicles, vehicles - powers of state and local authorities, and habitual traffic offenders are deposited into the common school fund and the county.	As determined by the court and/or statutes	50% of the fine or forfeiture to the common school fund	50% of the fine or forfeiture retained by the county treasurer as fees for receiving and paying money into the state treasury
State forfeitures concerning vehicles - size, weight and load (s. 59.25(3)(k), 348.11 and 348.21))	Fines and forfeitures collected from citations issued by the State Patrol or county law enforcement officers for violations of state law are deposited in the common school fund, state transportation fund, and the remainder is retained by counties.	\$10 to not more than \$5,000, depending on the violation	90% of the fine or forfeiture (50% to the common school fund and 40% to the state transportation fund)	10% retained by county where citation issued
All other state fines and forfeitures (except those specifically listed above) (s. 59.25 (3)(j))	Fines and forfeitures imposed by the courts for violations of state laws (except those laws listed above) are deposited to the county and the common school fund.	As determined by the court and/or statutes	90% of the fine, forfeiture or penalty to the common school fund	10% of the fine or forfeiture to be retained by the county treasurer for fees in receiving and paying monies into the state treasury
Ordinance violation forfeitures concerning vehicles - size, weight and load (s. 59.25(3)(L) and 66.0114(3)(c))	Forfeitures imposed by courts for ordinance violations relating to vehicles - size, weight and load are deposited into the state transportation fund, and the remainder is retained by the municipality or county.	\$10 to more than \$300, depending on the violation	100% in excess of \$150 per forfeiture to the state transportation fund provided the violation occurred on an interstate highway, a state trunk highway or a highway over which the local highway authority does not have primary maintenance responsibility	Up to \$150 per forfeiture retained by the municipality if the violation occurred on an interstate highway, a state trunk highway or a highway over which the local authority does not have primary maintenance responsibility. If the violation did not occur on one of the above mentioned highways, the municipality retains the entire amount of the forfeiture

APPENDIX VI

Court Fees

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Commencement of civil action fee (non-family) (s. 814.61(1)(a))	To be paid by the filer at the commencement of all civil actions and special proceedings in circuit court except garnishment, wage earner, small claims and forfeiture actions.	\$75	\$30 to the general fund and \$15 to Consolidated Court Automation Programs (CCAP)	\$30
Change of venue fee in civil action (s. 814.61(1)(a) and (2))	To be paid by the party that necessitated the change of venue.	\$75, except that no fee may be charged if the court orders a discretionary change of venue under s. 801.52	\$30 to the general fund and \$15 to CCAP	\$30
Commencement of family action fee (s. 814.61(1)(a),(b) & (c))	To be paid at the commencement of all family actions except for paternity determination, interstate family support, certain forfeiture proceedings termination of parental rights adoption actions certain commitment actions, and actions to compel DNA submissions. In addition to the civil action filing fee, a \$20 family court counseling fee is assessed.	\$95	\$30 to the general fund and \$15 to CCAP	\$50, \$20 of which is earmarked for family court counseling services
Commencement of family action fee, with request for support or maintenance (s. 814.61(1)(a), (b), and (13))	In addition to the \$95 commencement of family action fee, when a person not receiving benefits under W-2, medicare, medical assistance, or BadgerCare Plus files a petition requesting child support, maintenance or family support payments, an additional \$10 is charged.	\$105	\$30 to the general fund and \$15 to CCAP	\$60, \$20 of which is earmarked for family court counseling services and \$10 of which is earmarked for the cost of court services relating to child support, maintenance or family support payments
Change of venue fee in family action (s. 814.61(1)(a), (1)(b) and (2))	To be paid by the party that necessitated the change of venue.	\$95, except that no fee may be charged if the court orders a discretionary change of venue under s. 801.52	\$30 to the general fund and \$15 to CCAP	\$50, \$20 of which is earmarked for family court counseling services
Change of venue fee in family action, with request for support or maintenance (s. 814.61(1)(b), (2), and (13))	In addition to the \$95 change of venue in a family action fee, if a person not receiving benefits under W-2, medicare, medical assistance, or BadgerCare Plus files a petition requesting child support, maintenance or family support payments, an additional \$10 is charged.	\$105, except that no fee may be charged if the court orders a discretionary change of venue under s. 801.52	\$30 to the general fund and \$15 to CCAP	\$60, \$20 of which is earmarked for family court counseling services and \$10 of which is earmarked for the cost of court services relating to child support, maintenance or family support payments

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Revision of judgment or order in action affecting the family (s. 814.61(7) (a))	To be paid upon the filing of any petition or any motion, by either party, for the revision of a judgment or order in an action affecting the family (unless both parties have agreed to the revision), except for paternity actions.	\$30	\$15 to the general fund	\$15
Revision of legal custody and physical placement order/ moving the child's residence within or outside the state (s. 814.61(7)(b))	To be paid upon the filing of any petition, motion or order to show cause by either party under legal custody or physical placement, or moving the child's residence within or outside the state.	\$50	\$12.50 to the general fund	\$12.50 for general county purposes and \$25 for family court counseling services
Fee for commencing a garnishment action (s. 814.62(1))	To be paid when a person commences a garnishment action, except garnishment actions seeking victim restitution (no fee).	\$20	\$7.50 to the general fund and \$5 to CCAP	\$7.50
Fee for commencing a small claims action (s. 814.62(3) (a) and (d)2.)	To be paid by the plaintiff at the time of issuance of a summons or other process in a proceeding not commenced by a summons.	\$22	\$11.80 to CCAP	\$10.20
Change of venue fee in small claims actions (s. 814.61 (2) and 814.62(3)(a) and (d)2.)	To be paid by the party that necessitated the change of venue.	\$22, except that no fee may be charged if the court orders a discretionary change of venue under s. 801.52	\$11.80 to CCAP	\$10.20
Fee for filing a counterclaim or cross complaint in a small claims action (s. 814.62(3)(b) and (d)3.)	To be paid by the person filing the counterclaim or cross complaint.	\$53	\$17.20 to the general fund and \$10 to CCAP	\$25.80
Third party complaint in a large claim or no money judgment requested (s. 814.61(3))	To be paid by defendant when defendant files a third party complaint. The defendant shall pay only one such fee in an action.	\$45	\$20 to the general fund and \$5 to CCAP	\$20
Fee in forfeiture actions (s. 814.63(1)(b) and (5))	To be paid by the defendant when judgment is entered against the defendant, except for smoking or safety belt violations.	\$25	\$12.50 to the general fund and \$5 to CCAP	\$7.50
Fee for criminal actions (s. 814.60(1))	To be paid by the defendant when a judgment is entered against the defendant.	\$163	\$153 to the general fund	\$10

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Municipal court fee (s. 814.65(1))	Except for certain safety belt violations, to be paid by the defendant on each separate matter, including default of appearance, guilty or no contest pleas, issuance of warrants or summons, or if the action is tried as a contested matter.	\$15-38, as determined by the municipal court	\$5 of the \$15 to \$38 fee to the general fund	None; municipality retains all but \$5
Appeal from municipal court or administrative decision, and appeal or review is by certiorari or on the record (s. 814.61(8)(am)1. and 814.61(8)(c))	To be paid when a person wishes to appeal a decision from municipal court or on review of any administrative decision, and the appeal or review is by certiorari or on the record.	\$40	\$17.50 to the general fund and \$5 to CCAP	\$17.50
Appeal from municipal court or administrative decision, and a new trial is authorized and requested (s. 814.61(8)(am)2. and 814.61(8)(d))	To be paid by a person who wishes to appeal a decision from municipal court or on review of any administrative decision, and a new trial is authorized and requested.	\$55	\$25 to the general fund and \$5 to CCAP	\$25
Fees of register in probate (s. 814.66)	The register in probate collects fees for the following: (a) filing a probate petition or for a certificate or judgment of descent of lands; (b) filing a petition for guardianship of estate or application for conservatorship; (c) for a certificate terminating a life estate or homestead; (d) filing an objection to probate of a will; (e) receiving a will for safekeeping; (f) for each certificate issued by registers in probate or circuit court judges; (g) for copies of records or papers in the custody and charge of registers in probate; (h) for copies requested by the state public defender, other than transcripts; (i) filing claims against estates; (j) searching files or records when the requester does not furnish the case number; (k) receiving power of attorney for health care instrument or a declaration for safekeeping; (l) filing a petition for visitation by a minor's grandparents or stepparents; and (m) depositing money for a guardianship; and (n) withdrawing money that has been deposited for a guardianship.	(a) \$20, if estate is \$10,000 or less, or 0.2% the value of the property, if estate is more than \$10,000; (b) \$20, if estate is \$50,000 or less, or 0.2% the value of the estate, if more than \$50,000; (c) \$3; (d) \$20; (e) \$10; (f) \$3; (g) \$1; (h) a fee equal to the actual, necessary, and direct costs of copying; (i) \$3; (j) \$4; (k) \$8; (l) \$60; (m) \$10 or 0.5% of deposit, whichever is greater; and (n) \$10.	66.67% to the general fund	33.33%

APPENDIX VII

Court Surcharges and Payments

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Court support services surcharge (s. 814.85(1))	If filing a civil action, third party complaint, appeal from municipal court, small claims action, small claim counterclaim or cross complaint, forfeiture action, garnishment action, or wage earner action, a court support services surcharge also applies. [Exceptions: actions for safety belt use violations, special identification cards for physically disabled violations, or for an action for a financial responsibility violation of motor vehicle liability insurance.]	\$169 for civil actions in which the amount claimed is greater than \$10,000, \$51 for civil actions in which the amount claimed is equal to or less than \$10,000, and \$68 for civil actions in which there is no money judgment requested	100% to the general fund	None
Penalty surcharge (s. 757.05(1) and (2), 814.75(18), 814.76(14), 814.77(11), 814.78(10), 814.79(7), 814.80(9) and 814.81 (9))	Surcharge on fines or forfeitures imposed by courts for violations of state laws or municipal or county ordinances. [Exceptions: for violations involving smoking in restricted areas, failing to properly designate smoking or nonsmoking areas, for an action for a financial responsibility violation of motor vehicle liability insurance, nonmoving traffic violations, special identification cards for physically disabled violations or safety belt use.	26% of the fine or forfeiture	100% to various state agencies (45.83% to the Department of Justice for the Law Enforcement Training Fund and the remainder to fund justice-related automation systems, victim-witness services, correctional officer and public defender training, AODA programs within the Department of Public Instruction, and provide match money for federal anti-drug enforcement programs)	None
Justice information system surcharge (s. 814.86(1))	If filing for civil, small claims, forfeiture, wage earner, or garnishment actions, or for an appeal from municipal court, third party complaint in a civil action, or for filing a counterclaim or cross complaint in a small claims action, a justice information surcharge also applies. [Exceptions: actions for safety belt use violations, special identification cards for physically disabled violations, or an action for a financial responsibility violation of motor vehicle issuance.	\$21.50	\$15.50 to Department of Administration (DOA) for justice system programs, and \$6 to CCAP	None
Special prosecution clerks surcharge (Milwaukee County only) (s. 814.86(1m))	Whenever the clerk of circuit court for Milwaukee County charges and collects the justice information surcharge, he or she must also collect a special prosecution clerks surcharge.	\$3.50	100% to fund clerks in the Milwaukee County District Attorneys Office	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Crime lab and drug law enforcement surcharge in criminal and forfeiture actions (s. 165.755, 814.75(3), 814.76(2), 814.77(2), 814.78(3), 814.79(2), 814.80(3) and 814.81(3))	If a court imposes a sentence, places a person on probation or imposes a forfeiture for a violation of state law or municipal or county ordinance (except for violations involving smoking in restricted areas, failing to properly designate smoking or nonsmoking areas, nonmoving traffic violations or safety belt use, or an action for a financial responsibility violation of motor vehicle issuance, the court must also impose a crime laboratories and drug law enforcement surcharge for each offense.	\$13	100% to the state to help fund drug law enforcement, drug law violation prosecution assistance, crime laboratories, and the DNA databank activities	None
Crime victim and witness surcharge (s. 973.045)	If a court imposes a sentence or places a person on probation, the court shall also impose a crime victim and witness surcharge.	\$67 for each misdemeanor offense and \$92 for each felony offense	100% to fund county victim and witness assistance programs, general services	None
DNA analysis surcharge in criminal actions (s. 814.75(7), 814.76(5) and 973.046))	If a court imposes a sentence or places a person on probation, the court must also impose a DNA surcharge on the defendant.	\$200 for each misdemeanor offense and \$250 for each felony offense	100% to state to help fund drug law enforcement, crime laboratories, and DNA database activities	None
Drug abuse program improvement surcharge in criminal actions (s. 814.75(10), 814.76(8) and 961.41(5)(a))	When a court imposes a fine for a violation concerning the manufacture, distribution or delivery of controlled substances, the court must also impose a drug abuse program improvement surcharge on the defendant.	75% of the fine and penalty assessment imposed	100% for DHS alcohol and drug abuse initiatives	None
Drug offender diversion surcharge (s. 814.75(11), 814.76(9), and 973.043)	If a court imposes a sentence or places a person on probation for a violation of Chapter 943 (Crimes against Property), the court must also impose a drug offender diversion surcharge for each conviction.	\$10	100% to an appropriation under DOJ to provide grants to counties for alternatives to incarceration	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Domestic abuse surcharge in criminal and forfeiture actions (s. 814.75(8), 814.76(6), 814.80(6), 814.81(6), and 973.055))	The domestic abuse surcharge applies only in those cases in which the defendant's conduct was directed against a spouse or former spouse, against an adult with whom the defendant resides or formerly resided, or against an adult with whom the defendant has created a child. If a court imposes a sentence on an adult person or places an adult person on probation for violating certain crimes against life and bodily security, crimes against property, bail jumping, or crimes against public peace, order and other interests, regardless of whether any fine is imposed, the court shall also impose a domestic abuse assessment for each offense (unless the court determines the assessment would have a negative impact on the offender's family).	\$100 for each offense	100% to the state for domestic abuse grants	None
Child pornography surcharge (s. 814.75(1j), 814.76(1j), and 973.042)	If a court imposes a sentence or places a person on probation for either sexual exploitation of a child or possession of child pornography, the court must impose a child pornography surcharge on each image associated with the crime.	\$500 for each image	DOJ to provide grants to nonprofit organizations providing services to victims of sexual assault.	None
Global positioning system tracking surcharge (s. 814.75(8m), 971.37(1m)(c)1. and 973.057)	If a court convicts a person for violating a domestic abuse or harassment restraining order or injunction, the court must impose a global positioning system tracking surcharge.	\$200 for each offense	To DOC for expenditures under the global positioning system tracking program.	None
Weapons surcharge in criminal and forfeiture actions (s. 167.31(5), 814.75(25), 814.76(18) and 814.77(14))	If a court imposes a fine or forfeiture for violating laws concerning safe use and transportation of firearms and bows, the court must also impose a weapons surcharge.	75% of the amount of fine or forfeiture (which can be up to \$1,000)	100% to the fish and wildlife account of the state conservation fund	None
Restitution administrative surcharge (s. 973.20(11)(a), 814.75(20) and 814.76(15))	Restitution surcharge in a criminal action if an offender is sentenced to prison or placed on probation.	5% of the total amount of any restitution, costs, attorney fees and any fines and related payments ordered under s. 973.05(1)	To the Department of Corrections for administrative expenses	None
Juvenile delinquency victim and witness assistance surcharge (s. 938.34(8d)), 814.75(6), 814.77(4), 814.78(5), 814.79(4) and 814.80(5))	For a juvenile adjudged delinquent, the court must impose a delinquency victim and witness assistance surcharge.	\$20	100% to fund crime victim and witness services	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Reimbursement of legal fees for state- provided counsel in juvenile actions - delinquency, JIPS or CHIPS (s. 48.275 (2) and 938.275(2))	If the state or county provides legal counsel to a child or an expectant mother in CHIPS proceedings, or to juveniles in delinquency or JIPS proceedings, the court must also order the non-indigent parents to reimburse the state or county for the representation, unless the parent is the complaining or petitioning party or if the court finds that the interests of the parent and the interests of the child in the proceeding are substantially and directly adverse and that reimbursement would be unfair to the parent.	As determined by the court	75% to the state when state counsel is provided for JIPS and delinquency proceedings regardless of county size (money credited to SPD private bar and investigator reimbursement appropriation). 75% to the state when state counsel is provided for CHIPS proceedings in counties with a population less than 500,000 (money credited to SPD private bar and investigator reimbursement appropriation). 100% to the state when state counsel is provided for CHIPS proceedings in counties having a population equal to or greater than 500,000 (25% credited to Milwaukee child welfare services and 75% credited to SPD private bar and investigator reimbursement appropriation)	25% to the county when state counsel is provided in CHIPS proceedings in counties with a population of less than 500,000. 25% to the county when state counsel is provided in JIPS and delinquency proceedings (regardless of county population)
Consumer protection surcharge in criminal and forfeiture action (s. 100.261(1) and (3)(c), 814.75(1), 814.76(1m), 814.78(1m), 814.80(1) and 814.81(1))	Whenever a court imposes a fine or forfeiture for violations relating to consumer protection, the court must also impose a consumer protection surcharge.	25% of the total amount of the fine or forfeiture	100% of the first \$185,000 annually to the Department of Agriculture, Trade and Consumer Protection for consumer protection information and education. The remainder is deposited to the general fund	None
Bisphenol A surcharge (s. 100.335(7) and 814.75(1d))	If a court imposes a fine or forfeiture for violations of laws related to child's containers containing bisphenol A, the court must also impose a bisphenol A surcharge.	50% of the amount of a fine or forfeiture (which can range from \$50 to \$10,000)	100% to the Department of Agriculture, Trade and Consumer Protection for enforcement and administration of the laws relating to child's containers containing bisphenol A.	None
Supplemental food enforcement surcharge in criminal and forfeiture actions (s. 253.06(4)(c), 814.75(22m), 814.76(15m) and 814.80(11))	Whenever a court imposes a fine, forfeiture or recoupment for violating laws or rules concerning the Women Infants and Children (WIC) program, the court must also impose a supplemental food enforcement surcharge.	50% of the total fine, forfeiture or recoupment amounts imposed	100% to finance fraud reduction in the WIC program	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Uninsured employer surcharge in criminal and forfeiture actions (s. 102.85(4)(a), 814.75(24) and 814.76(17))	If a court imposes a fine or forfeiture for employer insurance or worker's compensation violations, the court must also impose an uninsured employer surcharge on the defendant.	75% of the amount of fine or forfeiture (which can range from \$10 to \$10,000)	100% to the state uninsured employers fund (which pays the claims of employees of uninsured employers)	None
Driver improvement surcharge in criminal and forfeiture actions (s. 346.655(1) and (2), 814.75(9), 814.76(7), 814.78(7), 814.79(4m))	If a court imposes a fine or forfeiture for certain violations relating to operating while intoxicated, it shall also impose a driver improvement surcharge.	\$435	49.7% of the surcharge amount for activities related to alcohol abuse, OWI enforcement and crime victim compensation services	50.3% of the surcharge amount for community mental health, developmental disabilities, alcoholism and drug abuse services
Truck driver education surcharge in criminal and forfeiture actions (s. 349.04(1), 814.75(23), 814.76(16), 814.78(12) and 814.79(10))	If a court imposes a fine or forfeiture for violating laws concerning rules of the road, equipment of vehicles, or vehicles – size, weight and load, the court must impose a truck driver education surcharge.	\$8	100% to the state for truck driver training grants to Chippewa Valley Technical College, Fox Valley Technical College, and Waukesha County Technical College	None
Occupational drivers license fee (habitual traffic offender) (s. 351.07 (1g))	Persons considered habitual traffic offenders that file a petition for an occupational license must pay a fee.	\$40	50% of the fee to the transportation fund	50% of the fee to be retained by the county
Safe ride program surcharge (s. 85.55, 346.657, 814.75(9g), 814.76(7g), 814.78(7g), and 814.79(4p))	If a court imposes a fine or forfeiture for certain violations relating to operating while intoxicated, it must also impose a safe ride program surcharge.	\$50	100% to the Department of Transportation for the safe-ride grant program.	None
Railroad crossing improvement surcharge in forfeiture actions (s. 346.177, 346.495, 814.75(19) and 814.79(8))	Whenever a court imposes a forfeiture for certain violations concerning driving or stopping on railroad crossings, the court must also impose a railroad crossing improvement surcharge.	50% of the amount of the forfeiture, which may be up to \$1,000	100% to the Department of Transportation for railroad crossing protection, installation, and maintenance	None
Snowmobile registration restitution surcharge in forfeiture actions (s. 350.115, 814.75(21) and 814.77(12))	If a court imposes a forfeiture for a snowmobile violation in which a registration fee is required, the court must also impose a snowmobile registration restitution surcharge on the defendant.	Equal to the amount of the fee that was required and should have been obtained	100% to the snowmobile account of the state conservation fund, which funds such things as snowmobile trail and project aids and county snowmobile enforcement aids	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Environmental surcharge in criminal and forfeiture actions (s. 299.93, 814.75(12), 814.76(10) and 814.77(5))	If a court imposes a fine or forfeiture for a violation of laws concerning pure drinking water, water and sewage, pollution discharge elimination, air pollution, solid waste facilities, hazardous waste management, remedial action, metallic mining, nonmetallic mining, reclamation or oil and gas exploration and production, the court must also impose an environmental surcharge on the defendant.	10% of the amount of the fine or forfeiture if the violation was committed before July 1, 2009; 20% of the amount of fine or forfeiture if the violation was committed on or after July 1, 2009	100% to the environmental management account of the state environmental fund, which funds contaminated land cleanup and administration, the Brownfields grant program, groundwater standards development and implementation, and environmental education grants	None
Natural Resources surcharge in criminal and forfeiture actions (s. 29.987, 814.75(16), 814.76(12), 814.77(9))	If a court imposes a fine, forfeiture or order for violating laws concerning wild animals and plants, the court is also required to impose a natural resources surcharge.	Equal to 75% of the fine or forfeiture amount	100% to the fish and wildlife account of the state conservation fund	None
Natural Resources restitution surcharge in criminal and forfeiture actions (s. 29.989, 814.75(17), 814.76(13) and 814.77(10))	If court imposes a fine or forfeiture or an order for violating laws concerning wild animals and plants, the court is also required to impose a natural resources restitution surcharge (when a restitution surcharge is required).	Equal to the amount of the statutory fee for the approval which was required and should have been obtained	100% to the fish and wildlife account of the state conservation fund, which funds such things as fish and game management, law enforcement and licensing	None
Wild animal protection surcharge in criminal and forfeiture actions (s. 29.983, 814.75(26), 814.76(19) and 814.77(15))	If a court imposes a fine or forfeiture for violating laws concerning wild animals and plants or issues an order regarding the unlawful killing, wounding, catching, taking, trapping or possession of a wild animal, the court may impose a wild animal protection surcharge on the defendant.	\$8.75 to \$2,000, depending on the type of animal	100% to the fish and wildlife account of the state conservation fund	None
Wildlife violator compact surcharge (s.29.99, 814.75(27), 814.76(20), and 814.77(16))	If a court imposes a fine or forfeiture for a violation under Chapter 29 (Wild Animals and Plants), the court must also impose a wildlife violator compact surcharge.	\$5	100% to the conservation fund	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Commercial fish protection surcharge (s.29.984, 814.75(1g), 814.76(1g), and 814.77(1g))	If a court imposes a fine or forfeiture for the unlawful killing, catching, taking, transporting, sale, or possession of Great Lakes fish or fish in outlying waters, or for failing to comply with any statutory record-keeping requirements, the court may impose a commercial fish protection surcharge.	(a) For any commercial fish, except as provided in (c), an amount equal to the average wholesale value of the fish on the date of the violation; (b) For salmon, trout or noncommercial game fish, except as provided in (c): (i) \$43.75 for muskellunge or lake sturgeon; (ii) \$26.25 for largemouth or smallmouth bass, or brook, rainbow, brown or steel head trout; (iii) \$8.75 for walleye pike, northern pike or any other unmentioned game fish; (c) If the value of the fish exceeds \$300, an amount equal to three times the average wholesale value of the fish	100% to the conservation fund	None
Great Lakes resource surcharge (s. 29.9905, 814.75(13m), and 814.77(6m))	If a court imposes a fine or forfeiture for a violation of wholesale fish deal license involving Great Lakes fish, or a violation of outlying water sport trolling licenses or commercial fishing in outlying waters, the court must also impose a Great Lakes resource surcharge.	Equal to 75% of the fine or forfeiture	100% to the conservation fund for research of Great Lakes fish	None
Fishing net removal surcharge (s. 29.991, 814.75(12n), and 814.77(5m))	If a court imposes a forfeiture for failure to reimburse the Department of Natural Resources for costs associated with the seizure of a net or similar fishing device, the court must impose a fishing net removal surcharge.	Amount equal to the sum of seizure costs, plus an amount equal to 75% of the forfeiture amount.	100% to the conservation fund	None
Fishing shelter removal surcharge in forfeiture actions (s. 29.985, 814.75(13) and 814.77(6))	If a court imposes a forfeiture (up to \$100) on a person that fails to reimburse the DNR for the costs associated with the seizure and destruction or sale of an ice fishing shanty that is considered a public nuisance, the court must also impose a fishing shelter removal surcharge on the defendant.	Equal to the costs that the fishing shelter owner should have reimbursed the DNR	100% to the fish and wildlife account of the state conservation fund	None

APPENDIX VIII

Wholly Retained County or Municipal Fees Collected by the Clerk of Circuit Court

Statutory Section	Type of Fee	Amount of Fee	Special Handling
778.105	Forfeitures for violation of municipal or county ordinances	As determined by the court and/or statutes	Revenues from forfeitures imposed by any court for the violation of any municipal or county ordinance shall be paid to the municipality or county, unless otherwise specified.
302.46(1), 814.75(14), 814.76(11), 814.77(7), 814.78(8), 814.79(5), 814.80(7) and 814.81(7)	Jail surcharge in criminal and forfeiture actions. If a court imposes a fine or forfeiture for state law or municipal or county ordinance violations (except for violations involving smoking in restricted areas, failing to properly designate smoking or nonsmoking areas, actions for financial responsibility violation of motor vehicle liability insurance, nonmoving traffic violations or safety belt use, the court must also impose a jail surcharge on each fine or forfeiture, paid to the county treasurer.	The greater of 1% of the fine or forfeiture or \$10	Counties may use these revenues for construction, remodeling, repair or improvements of county jails.
59.25(3), 814.75(8r), 814.76(4m), and 973.0455	Crime prevention funding board surcharge. If a court in a county that has established a crime prevention funding board imposes a sentence or places a person on probation, the court must impose a crime prevention funding board surcharge.	\$20 for each misdemeanor or felony offense	100% into a crime prevention funding board's crime prevention fund.
814.61(4)	Jury fee, for all civil actions except garnishment	\$6 per juror paid by the party demanding the trial	Non-refundable. If jury fee is not paid, no jury will be called.
814.61(5)	Judgments, writs, executions, liens, warrants, awards, certificates	\$5	
814.61(6) and 806.24	Foreign judgments filing fee	\$15	Filing under uniform enforcement of foreign judgments act.

Statutory Section	Type of Fee	Amount of Fee	Special Handling
814.61(9)	Certifying and transmitting documents	\$15 plus postage	
814.61(10)	Copies, except for the State Public Defender (which is charged the actual costs).	\$1.25 per page	
814.61(11)	File or record searches	\$5	
814.61(12)(a)	Receiving and disbursing money - trust funds and small estates	\$10 or 0.5% of amount deposited (whichever is greater), and an additional \$10 upon each withdrawal of any or all of the money deposited with the clerk.	If funds are deposited by court order or by law, the type of account shall be in the clerk's discretion unless the court order specifies differently.
814.61(12)(c)	Receiving and disbursing deposits in contempt proceedings	\$10 per deposit	For receiving and disbursing deposits made under s. 818.12 in contempt proceedings under chapter 785. The \$10 fee shall be deducted from the deposit, unless the entire deposit is ordered returned to the defendant, before applying the deposit to the satisfaction of a judgment under s. 818.14.
814.61(14)	Occupational drivers license fees (petitions under s. 343.10(4))	\$40	
767.405(5), 814.615(1)(a)2 and (2)	Family mediation sessions (except the first mediation session upon referral for which there is no fee)	\$200 (single fee regardless of the number of mediation sessions held)	The county treasurer deposits collected fees in a separate account for the exclusive purpose of providing family court mediation services and studies. In lieu of \$200, counties can establish a fee schedule to recover their reasonable costs. Counties must reduce fees based on parties' ability to pay.
767.405(5), 814.615(1)(a)3 and (2)	Legal custody and physical placement study	\$300	The county treasurer deposits collected fees in a separate account for the exclusive purpose of providing family court mediation services and studies. In lieu of \$300, counties can establish local schedule to recover their reasonable costs. Counties must reduce fees based on parties' ability to pay.
814.615(2) and 767.405	Family court services fee	Based on services actually provided	Deposited by the county treasurer in a separate account to be used by the county exclusively for the purposes of family court services.
814.62(2)	Fee for commencing a wage earner amortization proceeding	\$10	The clerk of court collects the fee from the wage earner voluntarily commencing a proceeding for amortization of debts.

Statutory Section	Type of Fee	Amount of Fee	Special Handling
814.62(3)(e)	Demand for a jury trial in a small claims action	\$53	The party demanding the jury trial shall pay a fee equal to the difference between the civil filing fee and the small claims filing fee in addition to the 6-person jury fee.
814.61(4)	Nonrefundable fee for a jury in all actions, except a garnishment action, 6-person jury (\$6 per juror)	\$36	
814.62(4)	Small claims service of summons by mail Small claims service of summons by certified mail return receipt	\$2 for each defendant \$2 for each defendant plus cost of certified mail	Cost of certified mail may be rounded up to the nearest dollar.
814.63(2)	Non-refundable fee for forfeiture action in circuit court for violation of a municipal ordinance (except for violations involving safety belts use or first time violations for operating a motor vehicle, all-terrain vehicle, motorboat, or snowmobile if the operator had a blood alcohol concentration of 0.08 or more but less than 0.1)	\$5	Upon disposition of a forfeiture action in circuit court, the municipality shall pay a non-refundable fee to the clerk of court.
48.275(2)(d) and 938.275(2)	Parent reimbursement of legal fees in juvenile actions (for county-provided counsel)	Court-ordered amount, based on ability to pay	
346.65(2g)(b)	Fee to offset cost of providing community service work that demonstrates the adverse effects of substance abuse or operating a vehicle under the influence of an intoxicant or other drug	Reasonable fee, based on the person's ability to pay	
346.65(2g)(c)	Fee to offset cost of providing community service work that benefits children or that demonstrates the adverse effects on children of substance abuse or of operating a vehicle while under the influence of an intoxicant or other drug	Reasonable fee, based on the person's ability to pay	

Statutory Section	Type of Fee	Amount of Fee	Special Handling
346.65(2i)	Fee to offset cost of providing site visits that demonstrate the adverse effects of substance abuse or of operating a vehicle under the influence of an intoxicant or other drug	Reasonable fee, based on the person's ability to pay	
973.06(1)(g)	Restitution fee	10% of any restitution ordered	Payable to the county treasurer for use by the county.
973.20(11)(a)	Restitution administrative surcharge in a criminal action if offender is not placed on probation or sentenced to prison	5% of total amount of any restitution, costs and attorneys fees and any fines and related payments ordered if restitution is paid to the clerk of court for transfer to the appropriate person	To the clerk of court for administrative expenses if offender is not placed on probation or sentenced to prison.

APPENDIX IX

Revenue Generated from Circuit Court Operations Remitted to State, by County in 2015-16

County	Fines and Forfeitures	Circuit Court Fees	Court Support Services Surcharge	Other Fees and Surcharges	Total
Adams	\$58,200	\$99,800	\$225,900	\$257,000	\$640,900
Ashland	49,300	86,000	160,000	231,700	527,000
Barron	97,700	156,600	308,500	381,300	944,200
Bayfield	46,700	63,000	137,000	159,100	405,800
Brown	363,900	722,200	1,373,300	1,602,400	4,061,600
Buffalo	26,200	44,100	114,400	128,000	312,700
Burnett	52,800	65,600	147,500	164,400	430,300
Calumet	38,100	100,600	205,300	211,600	555,600
Chippewa	98,600	198,200	507,500	563,700	1,368,100
Clark	77,700	136,400	272,000	357,500	843,600
Columbia	272,800	264,000	606,200	743,400	1,886,400
Crawford	42,300	53,200	140,600	139,500	375,700
Dane	868,500	946,300	2,374,400	2,487,000	6,676,200
Dodge	155,600	294,100	746,300	806,000	2,002,100
Door	66,600	112,900	211,000	259,000	649,400
Douglas	171,500	198,600	483,400	550,500	1,404,000
Dunn	223,000	211,500	623,900	667,000	1,725,400
Eau Claire	198,400	378,200	894,400	1,075,900	2,546,800
Florence	21,100	15,200	34,400	48,000	118,700
Fond du Lac	189,800	464,500	995,900	1,054,500	2,704,800
Forest	53,300	56,300	79,400	172,500	361,500
Grant	151,000	197,800	459,800	565,800	1,374,400
Green	60,200	108,700	261,100	305,600	735,600
Green Lake	41,200	85,500	130,200	212,600	469,500
Iowa	60,500	108,800	321,300	287,400	778,000
Iron	24,800	23,000	61,000	63,900	172,700
Jackson	114,000	127,400	342,800	322,900	907,100
Jefferson	203,900	300,400	675,900	712,100	1,892,400
Juneau	87,300	106,300	296,600	298,300	788,600
Kenosha	399,300	597,100	1,318,500	1,522,600	3,837,400
Kewaunee	13,200	54,500	119,400	136,400	323,500
La Crosse	160,100	255,900	550,000	663,200	1,629,100
Lafayette	26,800	50,800	136,500	137,400	351,600
Langlade	43,800	90,000	134,000	188,600	456,400
Lincoln	71,100	98,900	193,100	220,000	583,000
Manitowoc	152,600	197,600	430,400	538,900	1,319,600
Marathon	209,000	396,100	772,300	865,700	2,243,100
Marinette	114,800	125,200	278,300	338,000	856,300
Marquette	44,200	72,500	150,500	166,800	433,900
Menominee	5,900	8,200	16,000	21,500	51,600

APPENDIX IX (continued)

**Revenue Generated from Circuit Court Operations
Remitted to State, by County in 2015-16**

County	Fines and Forfeitures	Circuit Court Fees	Court Support Services Surcharge	Other Fees and Surcharges	Total
Milwaukee	\$591,400	\$1,899,600	\$5,266,100	\$4,612,600	\$12,369,700
Monroe	153,000	194,800	360,700	459,600	1,168,000
Oconto	180,900	124,400	251,100	333,200	889,500
Oneida	86,600	142,900	326,200	373,100	928,700
Outagamie	245,200	510,000	1,026,800	1,174,900	2,956,900
Ozaukee	160,400	238,200	373,000	620,900	1,392,400
Pepin	18,000	23,600	54,000	65,900	161,500
Pierce	59,100	86,300	203,900	205,600	554,900
Polk	66,900	118,100	285,800	262,200	733,000
Portage	151,100	220,000	375,300	505,500	1,251,800
Price	52,300	56,000	126,600	149,300	384,200
Racine	382,200	854,200	1,875,600	2,263,700	5,375,600
Richland	28,900	70,400	161,700	171,700	432,600
Rock	524,800	630,300	1,532,800	1,707,800	4,395,700
Rusk	32,800	54,500	133,800	136,700	357,900
Sauk	213,400	224,500	546,300	584,700	1,568,900
Sawyer	187,400	277,600	671,600	722,400	1,858,900
Shawano	73,800	67,700	131,000	187,700	460,100
Sheboygan	191,600	242,600	385,200	615,800	1,435,300
St. Croix	153,300	389,400	658,000	834,900	2,035,600
Taylor	28,400	72,200	128,700	162,000	391,300
Trempealeau	57,400	86,000	231,600	219,400	594,400
Vernon	41,700	60,400	125,600	153,400	381,000
Vilas	56,000	62,200	152,300	185,400	455,900
Walworth	225,600	278,000	607,600	829,600	1,940,800
Waushara	84,900	126,000	222,000	348,600	781,500
Washburn	58,200	62,400	137,600	140,200	398,500
Washington	179,600	294,000	533,400	696,300	1,703,300
Waukesha	463,900	651,200	1,213,700	1,597,400	3,926,200
Waupaca	123,900	184,000	403,200	472,900	1,184,000
Winnebago	370,600	522,100	1,161,900	1,391,400	3,446,000
Wood	<u>253,900</u>	<u>307,700</u>	<u>430,600</u>	<u>679,300</u>	<u>1,671,600</u>
Total	\$10,652,900	\$16,803,000	\$37,382,700	\$42,491,600	\$107,330,200

APPENDIX X

Revenue Generated from Circuit Court Operations Retained by Counties in Fiscal Year 2015-16

County	Fines and Forfeitures	Circuit Court Fees	Other Fees & Surcharges	County Total
Adams	\$103,000	\$35,000	\$47,200	\$185,200
Ashland	63,700	25,500	42,700	131,900
Barron	138,300	55,600	75,500	269,600
Bayfield	90,400	20,800	36,400	147,600
Brown	556,000	254,200	302,300	1,112,500
Buffalo	55,800	16,800	35,100	107,700
Burnett	72,000	22,800	32,900	127,700
Calumet	77,000	35,800	43,200	156,000
Chippewa	160,500	78,200	127,200	365,900
Clark	119,100	41,900	74,200	235,200
Columbia	336,700	91,500	159,000	587,200
Crawford	62,000	21,000	29,800	112,800
Dane	1,038,900	404,700	645,200	2,088,800
Dodge	329,000	115,400	170,200	614,600
Door	102,600	34,400	61,300	198,300
Douglas	136,300	75,300	119,500	331,100
Dunn	233,600	83,700	164,100	481,400
Eau Claire	268,200	136,800	234,100	639,100
Florence	34,000	5,000	13,600	52,600
Fond du Lac	494,200	157,700	291,100	943,000
Forest	112,500	14,100	25,300	151,900
Grant	186,900	67,800	143,500	398,200
Green	105,100	40,800	91,400	237,300
Green Lake	79,600	22,800	41,700	144,100
Iowa	125,600	41,500	74,600	241,700
Iron	23,900	9,400	13,200	46,500
Jackson	173,800	46,400	71,400	291,600
Jefferson	340,600	109,300	156,600	606,400
Juneau	114,700	45,400	65,000	225,100
Kenosha	677,300	215,000	235,400	1,127,700
Kewaunee	48,400	19,100	34,000	101,500
La Crosse	201,500	96,900	132,200	430,600
Lafayette	64,800	19,300	35,800	119,900
Langlade	46,700	24,600	38,600	109,900
Lincoln	99,200	33,400	46,000	178,600
Manitowoc	223,600	74,200	115,800	413,600
Marathon	260,900	136,800	168,500	566,100
Marinette	156,900	46,800	68,800	272,500
Marquette	96,300	22,900	33,500	152,700
Menominee	12,300	2,500	4,200	19,000

APPENDIX X (continued)

**Revenue Generated from Circuit Court Operations
Retained by Counties in Fiscal Year 2015-16**

County	Fines and Forfeitures	Circuit Court Fees	Other Fees & Surcharges	County Total
Milwaukee	\$1,534,100	\$955,300	\$703,600	\$3,193,000
Monroe	195,100	59,900	89,400	344,400
Oconto	136,600	42,400	57,300	236,300
Oneida	134,100	51,500	94,200	279,800
Outagamie	283,600	182,700	278,300	744,600
Ozaukee	243,700	66,900	124,300	434,900
Pepin	28,300	8,100	16,500	53,000
Pierce	105,300	33,700	61,800	200,800
Polk	97,900	46,500	56,000	200,300
Portage	206,000	67,500	110,200	383,700
Price	59,400	19,700	35,800	115,000
Racine	1,151,100	295,000	362,100	1,808,200
Richland	75,600	23,900	41,200	140,700
Rock	579,900	238,700	324,500	1,143,100
Rusk	66,800	20,400	29,600	116,800
Sauk	224,800	87,300	128,700	440,900
Sawyer	249,600	104,300	163,400	517,300
Shawano	75,300	21,900	47,200	144,400
Sheboygan	294,800	62,500	119,000	476,300
St. Croix	312,500	121,200	153,800	587,600
Taylor	81,700	22,300	35,200	139,300
Trempealeau	94,600	35,000	57,700	187,300
Vernon	63,900	22,500	35,000	121,500
Vilas	76,000	24,000	46,000	145,900
Walworth	459,000	104,600	183,100	746,700
Waushara	105,600	35,700	63,900	205,100
Washburn	62,000	21,900	33,500	117,500
Washington	293,400	103,200	158,900	555,500
Waukesha	483,600	240,100	379,900	1,103,500
Waupaca	229,000	64,700	118,900	412,600
Winnebago	393,000	191,900	302,800	887,700
Wood	<u>251,400</u>	<u>82,200</u>	<u>123,400</u>	<u>456,900</u>
Total	\$16,269,600	\$6,258,600	\$8,835,300	\$31,363,500