

CHAPTER 49

COURT COMMISSIONER

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49.01 CREATION OF POSITION. There is hereby created and established the position of Court Commissioner on a full-time basis.

49.02 DUTIES. The duties of the Court Commissioner shall be as delegated by written order of the Circuit Judges but within the following limited areas:

(a) In criminal matters issue summons, arrest warrants, and search warrants; conduct initial appearances and preliminary examinations; and set bail [Wis. Stat. § 757.69(1)(b)].

(b) In traffic cases and municipal ordinance violations conduct initial appearances and refusal hearings; take "guilty" and "no contest" pleas in forfeiture actions; order revocation/suspension of operating privileges; and impose monetary penalties [Wis. Stat. § 757.69(1)(d)].

(c) In probate, conduct mental health/alcohol commitment probable cause hearings and annual protection placement review hearings [Wis. Stat. § 757.69(1)(d)].

(d) In small claims proceedings, conduct returns, conciliation conferences, and non-jury trials and enter default trials [Wis. Stat. §§ 757.69(1)(d) and 799.206].

(e) In paternity actions, conduct initial appearances and pre-trial proceedings and issue child abuse temporary restraining orders [Wis. Stat. §§ 757.69(2) and 813.12].

(f) In family matters, conduct stipulated and default divorce hearings, temporary hearings, and hearings to enforce child support and maintenance orders; enter wage assignment orders pursuant to statute; certify completion of reconciliation; initiate contempt proceedings for non-payment of child support and/or maintenance; make annual adjustments in child support; conduct domestic abuse hearings, issue domestic abuse temporary restraining orders and injunctions; and such other administrative duties as allowed by statute and authorized by the Circuit Judges for Sheboygan County [Wis. Stat. §§ 767.13(5) and (6); 767.23; 767.265; 767.083(1); 767.29(1); 767.33(2); and 813.12].

(g) In juvenile matters, issue summons and capias; conduct secure/non-secure custody hearings, plea hearings, and pre-hearing conferences; enter into consent decrees; conduct all proceedings for children alleged to have violated civil laws or municipal ordinances; and such other duties as may be directed by Circuit Judges for Sheboygan County that are not inconsistent with the juvenile code (Wis. Stats. ch. 48).

(h) In Court administration matters, perform such other administrative and ministerial duties as are directed by the Circuit Judges of Sheboygan County that are not inconsistent with State Statute.

49.03 QUALIFICATION. The Court Commissioner shall be a graduate of an accredited law school licensed to practice law in the State of Wisconsin and having a minimum of three (3) full years' experience practicing law in Wisconsin, such experience shall include actual courtroom experience in criminal law, juvenile law, and civil proceedings. The Court Commissioner shall profess a demonstrated interest in the welfare of children, have a working knowledge of statutory and case law relating to family

matters, and be able to work with and understand individuals, communicate effectively, and shall be a reputable attorney of recognized ability and standing with the bar.

49.04 APPOINTMENT. The position of Court Commissioner shall be filled by the appointment of the Circuit Judges for Sheboygan County, subject to approval by the Chief Judge for the Judicial Administrative District, all pursuant to the provisions of Wis. Stat. § 757.68(2m).

49.05 TERM. The term of office shall be for one (1) year expiring on the first Monday of July of each year, except that every initial appointment under this Ordinance shall be a probationary appointment of six (6) months or until July 1, whichever is greater, and thereafter such appointment shall be on a renewal basis from July 1 to July 1, subject, however, to the following:

- (a) The person appointed shall continue to act until a successor is appointed and qualified.
- (b) All appointments shall be subject to the pleasure of the appointing judges.

49.06 TEMPORARY COURT COMMISSIONER. In the event of a disability or extended absence, the judges may appoint another reputable attorney to act as temporary Court Commissioner. In the event of an extreme backlog, conflict of interest situation, and other emergencies, the majority judges may also appoint as temporary Assistant Court Commissioners, subject to the approval of the Chief Judge of the Judicial Administrative District, one or more retired or former judges or retired Court Commissioners. Such appointment shall not be made except if the necessary funds for their compensation shall be available in the Court Commissioner's budget and only upon the advance written certification of the availability of such funds for said appointments by the Law Committee.

49.07 STAFF. The office of Court Commissioner shall have such staff as may be provided by the Table of Organization for such office as set forth in Chapter 40 of this Code.

49.08 SALARY. The salary of the Court Commissioner shall be as determined from time to time by the County Board of Supervisors. Temporary Court Commissioners shall serve at an hourly rate determined by using the midpoint salary range of the full-time position.

49.09 COURT COUNSELING SERVICES. The Court Commissioner is hereby designated as the Director of Court Counseling Services in Sheboygan County. In the event there is more than one (1) Court Commissioner, the most senior Court Commissioner in years of service shall be so designated. The Director shall administer the Court Counseling office and shall:

- (a) Employ staff to perform mediation and to perform any legal custody and physical placement study, arrange and monitor staff training, and assign and monitor staff caseload.
- (b) Contract with a person or public or private entity to perform mediation and to perform any legal custody and physical placement study.
- (c) Supervise and perform mediation and any legal custody and physical placement study services authorized under Wis. Stat. § 767.11(14) and evaluate the quality of any such mediation or study services.
- (d) Administer and manage funding for Court Counseling Services.
- (e) The Director of Court Counseling Services may contract with any person or public or private entity located in a County in which the Director administers court counseling services or in a contiguous County to provide mediation in such a County.
- (f) To carry out such other matters relating to counseling services and required by Wis. Stat. § 767.11 and any acts amendatory thereto.