

In re the matter of AMENDING SCR 70.14 (1)(k), 70.155 (4), (5), 70.19 (3)(c), 70.20 (2), 70.21 (4), (5), (9), (14), (16), (16e), (16s), (17e), 70.23 (4), 70.24 (2), 70.31, 70.36 (1)(a), (1)(b), 70.40(2)(bm), CREATING SCR 70.14 (1)(L), 70.21 (8w), (20s), AND REPEALING SCR 70.21(6), (17), (17m)

PETITION 24-03

FILED

JUN 19 2024

CLERK OF SUPREME COURT  
OF WISCONSIN

For the reasons set forth in the accompanying supporting memorandum, the Director of State Courts respectfully petitions the court to amend, create and repeal parts of Supreme Court Rule Chapter 70 pertaining to rules of judicial administration. This petition is made pursuant to the court's rulemaking authority under Wis. Stat. §751.12 and its administrative authority over all courts conferred by Article VII, § 3 of the Wisconsin Constitution.

### PETITION

The Director of State Courts requests that the Supreme Court adopt the following:

#### SECTION 1. SCR 70.14 (1)(k) is amended to read:

**70.14(1) (k)** ~~Two circuit court commissioners, One circuit court commissioner, who shall be selected for a three-year term, the selection to be made alternately, first one selected by the Wisconsin Family Court Commissioners Association, then and one by the Wisconsin Association of Judicial Court Commissioners.~~

#### SECTION 2. SCR 70.14 (1)(L) is created to read:

**70.14(1) (L)** A chief judge as designated from the committee of chief judges.

#### SECTION 3. SCR 70.155 (4) is amended to read:

**70.155(4)** Use of a translated form does not supersede the need for an interpreter for communicating with counsel, or for in-court proceedings pursuant to s. 885.38, stats. Interpreters may sight translate forms for persons with limited English proficiency consistent with the limitations provided in SCR 63.07. Sight translation is the process of reading a document written in one language while converting it orally into another language. Interpreters may assist individuals in filling out forms to the extent permitted by SCR 63.07.

#### SECTION 4. SCR 70.155 (5) is amended to read:

**70.155(5)** Any written translation of a form shall be accompanied by an affidavit stating that the translator knows English and the second language and that in making the translation the

translator carefully translated the form from English into the other language and that the translation is true and correct.

**SECTION 5. SCR 70.19 (3)(c) is amended to read:**

**70.19(3)** In the exercise of his or her general responsibility, the chief judge has the following duties:

(c) Where necessary, establishment of days, ~~and hours,~~ and location for court operation.

**SECTION 6. SCR 70.20 (2) is amended to read:**

**70.20(2)** The administrative authority of the chief judge extends to the municipal courts of the judicial administrative district. If a municipal court is located in more than one judicial administrative district, the chief judge whose district includes the county having the largest portion of the population served by the municipal court shall have administrative authority over that court, consistent with section 755.001-(2) of the statutes.

**SECTION 7. SCR 70.21 (4) is amended to read:**

**70.21(4)** Section 48.06(1)(a)2., governing intake and court services for child welfare matters under chapter 48 of the statutes, and section 938.06(1)(a)2. of the statutes, governing intake and court services for juvenile matters under chapter 938 of the statutes: policy formulation and supervision of court services related to juvenile matters in counties with a population of ~~50~~750,000 or more.

**SECTION 8. SCR 70.21 (5) is amended to read:**

**70.21(5)** Sections 48.06(2)(a) and 938.06(2)(a): approval of circuit judge's policy governing juvenile intake workers in counties with a population of less than ~~50~~750,000.

**SECTION 9. SCR 70.21 (6) is repealed and amended to read:**

**70.21(6)** Repealed.

**SECTION 10. SCR 70.21 (8w) is created to read:**

**70.21(8w)** Section 51.45(13)(dm): designation of judge or circuit court commissioner to act in all involuntary commitments before the final hearing.

**SECTION 11. SCR 70.21 (9) is amended to read:**

**70.21(9)** Section 59.40(1)(b): approval of appointment of deputy clerks in counties with a population of 750,000 or more.

**SECTION 12. SCR 70.21 (14) is amended to read:**

**70.21(14)** Section 753.30(1): approval of appointment of clerk of court as register in probate in counties having only one circuit court judge.

**SECTION 13. SCR 70.21 (16) is amended to read:**

**70.21(16)** Section 756.001(5): designation of a circuit judge to supervise the jury system.-

**SECTION 14. SCR 70.21 (16e) is amended to read:**

**70.21(16e)** Section 757.68~~(1)~~(a): appointment and removal of circuit court commissioners.

**SECTION 15. SCR 70.21 (16s) is amended to read:**

**70.21(16s)** Section 757.69(1~~m~~)(~~g~~): designation of the juvenile court commissioner location.

**SECTION 16. SCR 70.21 (17) is repealed and amended to read:**

**70.21(17)** Repealed.

**SECTION 17. SCR 70.21 (17e) is amended to read:**

**70.21(17e)** Section 767.405(1~~m~~)~~11(1)(a) and (b)~~: approval of the appointment of the family court counseling services director.

**SECTION 18. SCR 70.21 (17m) is repealed and amended to read:**

**70.21(17m)** Repealed.

**SECTION 19. SCR 70.21 (20s) is created to read:**

**70.21(20s)** Section 968.26(5): determine whether a John Doe case should be extended beyond the statutory time limits.

**SECTION 20. SCR 70.23 (4) is amended to read:**

**70.23(4)** In cases of substitution, mandatory disqualification or self-disqualification, the judge shall direct the clerk of courts or register in probate of his or her county promptly to notify the chief judge. The chief judge shall assign another judge to preside in the case. ~~The chief judge may direct assignment of judges under this subsection by lot under a tab system.~~ The self-disqualification of a judge requires approval by the chief judge but may be subject to judicial administrative district rules. The chief judge shall provide for the assignment of another judge from within the judicial administrative district, except that if the chief judge deems it necessary the chief judge shall call upon the director of state courts to assign a judge from outside the judicial administrative district or a reserve judge.

**SECTION 21. SCR 70.24 (2) is amended to read:**

**70.24(2)** When making an assignment under sub. (1), the chief judge by order may assign a municipal judge or a reserve municipal judge from outside the judicial administrative district. Before making the assignment of a reserve municipal judge, the chief judge shall inform ~~consult with~~ the chief judge of the reserve municipal judge's district.

**SECTION 22. SCR 70.31 is amended to read:**

**70.31** District court administrators shall be appointed by the respective chief judges from a list of candidates supplied by the director of state courts, who is responsible for recruiting for these positions. The chief judge may reject a list and request ~~one~~ additional lists of candidates.

**SECTION 23. SCR 70.36 (1)(a) is amended to read:**

**70.36(1)(a)** Every judge of a circuit court shall decide each matter submitted for decision within 90 days of the date on which the matter is submitted to the judge in final form, exclusive of the time the judge has been actually disabled by sickness. If a judge is unable to do so, within 5 days of the expiration of the 90-day period the judge shall so certify in the record of the matter and notify in writing the parties and the chief judge of the judicial administrative district in which the matter is pending, and the period is thereupon extended for one additional period of 90 days. This subsection applies to an assigned reserve judge.

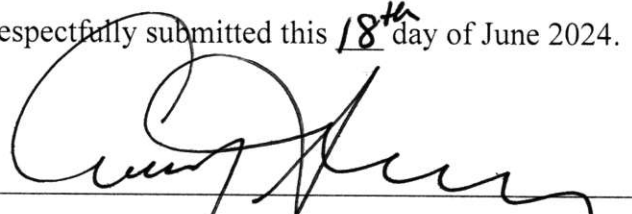
**SECTION 24. SCR 70.36 (1)(b) is amended to read:**

~~In the exercise of its superintending and administrative authority over all courts and u~~ Upon written request from a chief judge, the director of state courts ~~supreme court~~ may extend the period specified in par. (a) for decision in specific matters as exigent circumstances may require.

**SECTION 25. SCR 70.40 (2)(bm) is amended to read:**

**70.40(2) (bm)** Whether all available administrative remedies have been exhausted.

Respectfully submitted this 18<sup>th</sup> day of June 2024.



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Judge Audrey K. Skwierawski Director of State Courts