



Presiding Judge Family Division

Michael J. Apprahamian
Print or Type Name

3
District Number

5/7/2020
Date

STATE OF WISCONSIN

CIRCUIT COURT
THIRD JUDICIAL DISTRICT

WAUKESHA COUNTY
20-SO-21 (67)

IN THE MATTER OF:
Court Commissioners Authorized to
Issue Orders on Motions to Modify Custody
and Placement

WHEREAS, Court Commissioners appointed to act in the Waukesha County Circuit Court are generally granted all powers and duties authorized by Supreme Court Rule 75.02; and

WHEREAS, pursuant to section 757.69(1)(p) of the Wisconsin Statutes, Court Commissioners have the authority to conduct hearings and enter judgments in actions for enforcement of, or revision of judgment for, maintenance, custody, physical placement or visitation; and

WHEREAS, by custom and past practice, Court Commissioners appointed to act in the Waukesha County Circuit Court Family Division were not authorized to modify or revise a judgment for custody or placement, and generally were not authorized to enter temporary placement orders in paternity actions; and

WHEREAS, the Circuit Court Judges assigned to the Family Division have determined to grant Court Commissioners, appointed to act in the Family Division, the authority to modify and establish orders for physical placement in certain circumstances;

NOW, THEREFORE, IT IS ORDERED, that Court Commissioners appointed to act in the Waukesha County Circuit Court Family Division are authorized to issue orders on motions to modify custody and placement in the following circumstances:

(1) When a motion to enforce physical placement has been filed and when a motion to modify placement has also been filed, a Court Commissioner is authorized to conduct initial appearances on the motion to modify placement and is authorized to enter a temporary placement order(s);

(2) When a paternity matter pursuant to Wisconsin Statute § 737.80 or § 767.805 comes before a Court Commissioner and there has been no prior custody and placement order, the Court Commissioner may enter a temporary placement order; and

(3) When a judge presiding over a matter authorizes the Court Commissioner to decide a custody or placement issue consistent with the Commissioner's authority under section 757.69(1)(p), Wis. Stats.

IT IS FURTHER ORDERED, that in the light of the COVID-19 pandemic and until further order of the Court, Court Commissioners appointed to act in the Waukesha County Circuit Court Family Division are authorized to issue orders modifying physical placement as a result of circumstances associated with the COVID-19 pandemic or alleged non-compliance with COVID-19 safety precautions.