

Enrolled 157-66
PROPOSED ORDINANCE 157-68

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2
3 AMEND COUNTY CODE TO ESTABLISH AND COLLECT FEES FOR MEDIATION AND
4 STUDIES PERFORMED BY FAMILY COURT COUNSELING SERVICES
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7 WHEREAS in accordance with state statutes under section 767.11, Waukesha County has
8 established a Family Court Counseling Services office to provide a process to mediate and/or
9 perform detailed family studies in court cases where the legal custody or physical custody of the
10 minor children is contested, and
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12 WHEREAS state statutes require one, initial, mandatory mediation session to be attended by
13 both parties, which is provided at no charge to either party, and
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15 WHEREAS in accordance with state statutes under section 814.615, subsequent to the initial
16 mediation session, fees are assessed for additional services, and the County may either follow a
17 fee schedule for mediation and studies established by statute, or may establish its own schedule
18 to recover costs related to these services, and
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20 WHEREAS the Chief Judge, Circuit Court Services staff, and Family Court Counseling Services
21 staff have reviewed the operations of the counseling unit, historical case referral volume, and
22 considered efforts to ensure timely case resolution, and
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24 WHEREAS the Chief Judge, Circuit Court Services staff, and Family Court Counseling Services
25 staff, recognize the importance of fostering successful resolution of these sensitive issues for the
26 benefit of the families involved, and support a county initiated fee increase to ensure that the
27 program and services remain viable.
28

29 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
30 ORDAINS that
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32 SECTION 1. The Waukesha County Code of Ordinances is hereby amended by creating a new
33 section entitled 'Fees for Mediation and Study Services', to read as follows:
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35 Fees for Mediation and Study Services.
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37 (a) In accordance with the provisions of s. 767.11 Wisconsin Statutes, Waukesha County
38 has established a family court counseling services office that provides mediation and/or
39 performs detailed family studies in family court cases where the legal custody or physical
40 custody of the minor children is contested.
41

42 (b) For purposes of supporting and providing for the mediation and study services
43 provided through the family court counseling office, the County elects to adopt and
44 establish a separate fee schedule as specified under the provisions of section 814.615 (2)
45 of the Wisconsin Statutes.
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47 (c) Subject to judicial determination of the indigency of one or both of the parties
48 requiring services, the fee for one or more mediation sessions conducted subsequent to
49 the initial free session shall be set at \$300.00 per case.

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(d) Subject to judicial determination of the indigency of one or both of the parties requiring services, the fee for a custody and/or visitation study as ordered by the court shall be set at \$600.00 per case.

(e) If a new family issue involving custody and/or visitation arises in a case in which an initial judgment and order has been made, another fee is required if the matter goes to mediation or study.

(f) In accordance with subsections (3) of s. 814.615 of the Wisconsin Statutes, one or both of the parties will be ordered to pay the fees for the mediation and/or study services, and if either or both parties are unable to pay, but are not specifically found indigent, a judgment for the cost of the services shall be granted against one or both parties as appropriate, in favor of the County, and the County shall be entitled to pursue recovery.

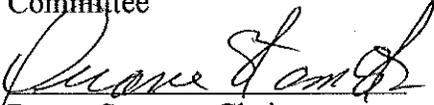
SECTION 2. This ordinance shall be effective upon approval and publication.

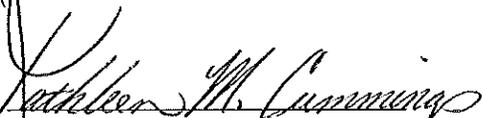
SECTION 3. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Waukesha, Wisconsin, as an addition or amendment thereto and shall be appropriately renumbered to conform to the numbering system contained therein.

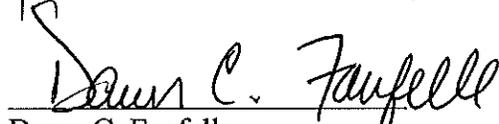
SECTION 4. Any code section or part of a section in conflict with this ordinance is hereby repealed and declared null and void and of no effect.

AMEND COUNTY CODE TO ESTABLISH AND COLLECT FEES FOR MEDIATION AND STUDIES PERFORMED BY FAMILY COURT COUNSELING SERVICES

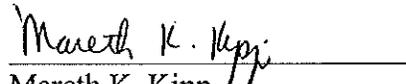
Approved By:
Judiciary & Law Enforcement
Committee

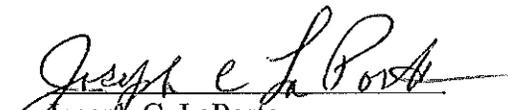

Duane Stamsta, Chair

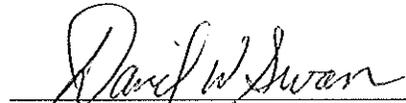

Kathleen M. Cummings


Dawn C. Fanfelle

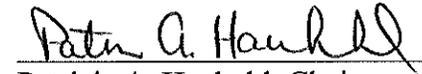

Keith P. Harenda


Mareth K. Kipp

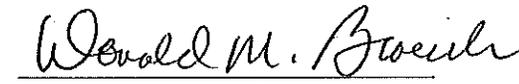

Joseph C. LaPorte

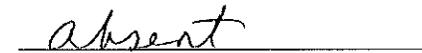

David W. Swan

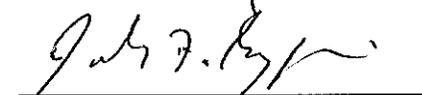
Approved By:
Finance Committee


Patricia A. Haukoehl, Chair


James R. Behrend


Donald M. Broesch

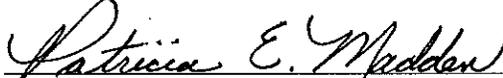

Genia C. Bruce


Joseph F. Griffin


Joe C. Marchese


Michael Sonnentag

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: October 11, 2002, 
Patricia E. Madden, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: _____
Vetoed: _____

Date: 10-10-02, 
Daniel M. Finley, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-10/08/02

(ORD) NUMBER-1570055

1 K. HERRO.....AYE
3 D. STAMSTA.....AYE
5 J. MARCHESE.....AYE
7 J. JESKEWITZ.....AYE
9 P. HAUKOHL.....AYE
11 K. HARENDA.....AYE
13 J. MORRIS.....AYE
15 D. SWAN.....AYE
17 J. BEHREND.....AYE
19 M. SONNENTAG.....AYE
21 W. KOLB.....AYE
23 P. PRONOLD.....AYE
25 K. CUMMINGS.....AYE
27 D. PAULSON.....AYE
29 M. THOMAS.....AYE
31 V. STROUD.....AYE
33 D. PAVELKO.....AYE
35 C. SEITZ.....AYE

2 R. THELEN.....AYE
4 H. CARLSON.....AYE
6 D. BROESCH.....AYE
8 J. DWYER.....AYE
10 S. WOLFF.....
12 J. GRIFFIN.....AYE
14 J. LA PORTE.....AYE
16 R. MANKE.....AYE
18 D. FANFELLE.....AYE
20 M. KIPP.....AYE
22 G. BRUCE.....AYE
24 A. SILVA.....AYE
26 S. KLEIN.....AYE
28 P. JASKE.....AYE
30 K. NILSON.....AYE
32 P. GUNDRUM.....AYE
34 R. SINGERT.....AYE

TOTAL AYES-34

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-34