

Resolution No. 49 - 10/19

Urging the Legislature to Revise the Statutes for Court Fees and Costs in Probate and Juvenile Cases

1 Moved/Sponsored by: Executive Committee

2

3 **WHEREAS**, Wisconsin Statutes Chapter 814 covers court costs, fees and surcharges.
4 Subsection 814.66 applies to the Office of the Register in Probate. Probate and Juvenile Court
5 handles other case types for which fees are not covered in Sec. 814.66 or other statutes. The
6 result in cases filed with the court without a filing fee; and,

7

8 **WHEREAS**, some fees and costs collected by the probate office are different from fees
9 collected by the Clerk of Court for the same items. This can cause confusion. Different fees and
10 costs for an identical items seem inappropriate; and,

11

12 **WHEREAS**, employees of the Clerk of Court and Register in Probate are all county employees,
13 usually working in proximity to the court, if not in the same office using the same equipment.
14 The employees use CCAP provided computers and printers as well as county provided copiers.
15 There is no discernable difference in these two offices related to copying and issuing certificates;
16 and,

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18 **WHEREAS**, the Legislature should revise the statutes for consistency. Require fees and costs
19 charged by the Clerk of Court and Register in Probate to be the same for the same item or
20 service. Require fees for probate and juvenile court as attached; and,

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22 **WHEREAS**, the Executive Committee supports revising the statutes to collect fees and costs
23 associated with probate cases and juvenile court proceedings as outlined herein.

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25 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors
26 hereby supports the Wisconsin Register in Probate Association in its efforts to revise Wisconsin
27 Statutes consistent with the resolution and further urges the Legislature to revise and amend the
28 related statutes for further consistency between the fee structure outlined in the statutes.

29

30 **BE IT FURTHER RESOLVED** that the Walworth County Clerk is hereby directed to forward
31 a copy of this resolution to Governor Tony Evers, the Wisconsin Counties Association and State
32 legislators representing Walworth County.

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37 Nancy Russell
38 County Board Chair



39 Kimberly S. Bushey
40 County Clerk

This Resolution/Ordinance was
Adopted: Roll Call/U.C./Voice

Rejected/Referred/Laid Over

Ayes: Noes: Absent:

Date October 8, 2019

Other _____

41 County Board Meeting Date:

42 Action Required: Majority Vote X

Two-thirds Vote _____

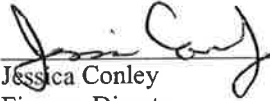
Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:



David A. Bretl
County Administrator/Corporation Counsel

9/11/19
Date



Jessica Conley
Finance Director

9/11/19
Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note
Resolution No. 49 - 10/19

- I. **Title:** Urging the Legislature to Revise the Statutes for Court Fees and Costs in Probate and Juvenile Cases
- II. **Purpose and Policy Impact Statement:** The purpose of this advisory resolution is to urge the State Legislature to revise the Wisconsin Statutes for court fees and costs in probate and juvenile cases to provide consistency in the fee structure outlined in the Wisconsin Statutes.
- III. **Budget and Fiscal Impact:** Passage of this advisory resolution will not impact the County budget.
- IV. **Referred to the following standing committees for consideration and date of referral:**

Committee: Executive Committee

Meeting Date: September 9, 2019

Vote: 4-0

County Board Meeting Date: October 8, 2019

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

DA 76 9/11/19
David A. Bretl Date
County Administrator/Corporation Counsel

Jessica Conley 9/11/19
Jessica Conley Date
Finance Director

If unsigned, exceptions shall be so noted by the County Administrator.

Attachment to Resolution No. 49 - 10/19

Require filing fee upon filing foreign letters under Sec. 877.16. Either clearly state within Sec. 877.16 or add to Sec. 814.66(1). Either \$15, consistent with filing a foreign judgment, or the \$20 probate minimum filing fee.

Require filing fee upon transferring a foreign guardianship, clearly stated with Chapter 53 or added to Sec. 814.66(1) consistent with guardianship filing fees based on the value of the guardianship estate, the \$20 minimum filing fee or .02% of amounts over \$50,000, like any new guardianship case. Alternatively, require \$15, consistent with filing a foreign judgment, or the \$20 probate minimum filing fee.

Require a filing fee for adult adoptions, clearly stated within Chapter 882, consistent with the civil filing fee, currently \$75 under Sec. 814.61(1)(a).

Require a filing fee for trust cases filed in probate, clearly stated within Chapter 701 or Sec. 814.66(1), consistent with the civil filing fee, currently \$75.

Require fees and costs charged by the Clerk of Court and Register in Probate to be the same for copies, certificates and searches.

Clerk of Court (COC) fees and costs vs. Register in Probate (RIP) fees and costs:

Copies:	Provided by the COC - \$1.25 per page, 814.61(10)(a) Provided by the RIP - \$1.00 per page, 814.66(1)(h)
Certificate:	Issued by the COC - \$5.00, 814.61(5) Issued by the RIP - \$3.00, 814.66(1)(g)
Searches:	Search by COC - \$5.00, 814.61(11) Search by RIP - \$4.00, 814.66(1)(j)