



DOOR COUNTY

Resolution No. 2019-41

URGING THE LEGISLATURE TO REVISE THE STATUTES FOR COURT FEES AND COSTS IN PROBATE AND JUVENILE CASES

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD			
BACON			
BULTMAN			
CHOMEAU			
D. ENGLEBERT			
R. ENGLEBERT			
ENIGL			
FISHER			
GUNNLAUGSSON			
HALSTEAD			
KOCH			
KOHOUT			
LIENAU			
LUNDAHL			
NEINAS			
NORTON			
ROBILLARD			
SCHULTZ			
VIRLEE			
VLIES WOTACHEK			
WAIT			

Vote Wait

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve Adopted

1st Robillard Defeated

2nd Schultz

Yes: _____ No: _____ Exc: _____

Reviewed by:

[Signature], Corp. Counsel

Reviewed by: [Signature], Administrator

FISCAL IMPACT: There is no additional fiscal impact at this time with the adoption of this resolution. STW

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 25th day of June, 2019 by the Door County Board of Supervisors.

[Signature]
Jill M. Lau
County Clerk, Door County

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

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

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

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

WHEREAS, The Legislative Committee supports revising the statutes to collect fees and costs associated with probate cases and juvenile court proceedings as outlined herein.

NOW THEREFORE, BE IT RESOLVED, That the Door County Board of Supervisors does hereby support the Wisconsin Register in Probate Association in its efforts to revise Wisconsin Statutes consistent with the resolution and further urges the Legislature to revise and amend the related statutes to further consistency between the fee structures outlined in the statutes.

BE IT FURTHER RESOLVED, That the County Clerk is directed to send a copy of this resolution to Governor Tony Evers, the Wisconsin Counties Association, all members of the State Legislature and to each Wisconsin County.

**SUBMITTED BY:
LEGISLATIVE COMMITTEE**

[Signature]
Nancy Robillard, Chairperson

[Signature]
David Enigl

[Signature]
Linda Wait

Bob Bultman

[Signature]
Kathy Schultz

Attachment to Resolution No. 2019-41

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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 within 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 and .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 & costs vs. Register in Probate (RIP)fees & 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)

Certificates: issued by the COC: \$5, 814.61(5)
Issued by the RIP: \$3, 814.66(1)(g)

Searches: search by COC: \$5, 814.61(11)
search by RIP: \$4, 814.66(1)(j)