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# Wisconsin Legislative Council

## ACT MEMO

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**2021 Wisconsin Act 205**  
[2021 Assembly Bill 723]

**De Novo Hearings in  
Family Court Cases**

### BACKGROUND

Court commissioners are court officials who perform limited judicial and quasi-judicial functions under the direction and authority of the chief judge and circuit court judges. State law generally allows a party in a court case to request that a court commissioner's decision be reviewed by a circuit court judge in a hearing "de novo," meaning the circuit court judge conducts a new hearing on the matter heard by the circuit court commissioner. Prior law did not specify any procedures governing requests for de novo hearings, though the local rules adopted by each circuit court typically addressed such requirements.

### 2021 WISCONSIN ACT 205

2021 Wisconsin Act 205 creates specific procedures and requirements for requesting and conducting de novo hearings in actions affecting the family.

First, the act clarifies certain aspects of the right to seek a de novo review in actions affecting the family. While the act maintains the general authority for either party to request de novo review of a court commissioner's decision, the act requires a party to be present at the hearing before the commissioner in order to seek a de novo review of the commissioner's decision. The act also clarifies that the right to seek a de novo review does not apply to stipulations entered into between the parties, and that notices requesting a hearing de novo do not stay the commissioner's order, unless the circuit court specifically grants a stay of the commissioner's order.

Second, the act creates specific timelines for de novo reviews in actions affecting the family. Under the act, a motion for de novo review must be filed within 20 calendar days<sup>1</sup> of either the commissioner's oral decision or, if not provided orally at the hearing, the mailing of the commissioner's written decision or order. The court must hold a hearing no later than 60 days from the date of the motion's filing, except as otherwise required in cases involving a proposed relocation of a child to a new residence 100 miles or more from the other parent.

**Effective date:** March 20, 2022

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<sup>1</sup> The act specifies that the 20 calendar days are counted consecutively and include weekends and holidays.