

Juvenile Clerks Meet-Up: Financial Questions

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Please note that the information contained in this presentation is not meant to be construed as legal advice.

Any guidance provided should not override a judge's decision and authority.

Questions are welcome; however, CCIP is unable to provide input on individual cases.

Thank you!

FINANCIAL MATTERS OF THE JUVENILE CLERK

- Restitution
- Surcharge
- Forfeiture
- Fees:
 - Filing Fees
 - Jury Trial Fees
 - GAL Fees
 - Legal Fees
- Civil Judgment
- Debt Collection

POLL QUESTION

- Who handles the financial matters in juvenile cases in your county?
 - A. The juvenile clerk
 - B. The County financial department/business office
 - C. The Register in Probate
 - D. Clerk of Courts Office

Financials in CCAP₃

Option 1: From Create Form

Create court form

Court form
Dispositional Order - Delinquent (JD-1745)

Case number
2023JV000179

Caption
In the Interest of [redacted]

Amended?
Yes No

Generate PDF?
Yes No

Generate Preview Save as draft Cancel

Financials in CCAP₃

Option 1: From Create Form

order contains the plan. Otherwise, a permanency plan consistent with the court's order shall be filed no later than 60 days from the date of the juvenile's removal from the home and shall be made part of this order.
If the recommended placement is to a juvenile correctional facility or secured residential care center and the court does not order that placement, then the permanency plan is due 60 days from the date of disposition

☐ 6. Total restitution is \$ [redacted] and [redacted] [Under age 14, \$250 limit] to be paid
[redacted]
☐ See restitution supplement
Add new
☐ Make repairs or provide services agreeable to the victim. [Under age 14, 40 hour limit]
Add new
☐ The juvenile is in an out-of-home placement and receiving income, the juvenile shall pay [redacted] % of that income for restitution.

☐ 7. Forfeiture:
Add new

☐ 8. Supervised work program/community service.
Add new

☐ 9. Mandatory victim/witness fee
Add new

Financials in CCAP3 Option 2: From Case Financials

2023JV000023 In the Interest of Case actions ▾

Summary Parties Activities Court record Documents Charges **Financials** Disposition Judgments Exhibits

Financials

Assessments

--Choose action-- ▾ Create costs or fees assessment Create restitution assessment Edit views

Debtor name	Charge number	Assess number	Receivable number	Schedule	Amount	Paid to date	Adjustments	COC balance due	DOC balance due	Due date	Failure to pay action	Case number	SDC status	Social security number	Drivers license number	Tax intercept status
Start type	Start type	Start type	Start typing	Start typing to	Start type	Start t	Start typing to	Start type	Start type	Start t	Start type	Start typing to	Start ty	Start type	Start type	Start type
	23S 008312	310957	Juv Victim/Witness No CLD (JWWO)		\$20.00	\$0.00	\$0.00	\$20.00	\$0.00	12-05-2023	Juvenile license suspend (JL)	2023JV000023				

Financials in CCAP3 Option 2: From Case Financials

Create costs or fees assessment ✕

Debtor information

Party
Doe, John C (JV) ▾

Last/business name
Doe

First
John

Middle
C

Suffix

Schedule
Juv Victim/Witness No CLD (JWWO) ▾

Amount
\$20.00

Total assessed
\$20.00

Excess/shortfall
\$0.00

Total balance due
\$20.00

Total due to DOC
\$0.00

Accounts

Description	Priority	Amount	CoC balance due	DOC balance due
Juv. Del. Victim Wit. Sur (JWWO)	30	\$20.00	\$20.00	\$0.00

Days to pay
MM-DD-YYYY

Due date
MM-DD-YYYY

Payment priority
200

Failure to pay action
▾

Failure to pay duration
1y 1mo 1w 1d 1h 1mi

Add creditor information

Save Save, next Clear Cancel

Financials in CCAP3

Option 3: From Case Charges

2023JV000023 - In the interest of

Case actions ▾

Summary Parties Activities Court record Documents **Charges** Financials Disposition Judgments Exhibits

Charge 1
961.41(1m)(b)
Possess w/ Intent/Deliver Non-Narcotics

Charge 2
450.11(7)(h)
Possess/Illegally Obtained Prescription

Charge: 2

Charge Modifiers Findings **Dispositions**

Dispositions

Disposition date: 09-06-2023
Disposition order date: 09-06-2023
Disposition type: Supervision
Supervising agency: DHSS (DHS)

Duration: 1 year
Begin date:
Begin time:
Time served (days):
Disposition text:

Conditions of supervision

-Choose action- ▾ **Create**

Condition description	Duration	Condition text
Start typing to filter	Start typing to filter	Start typing to filter
Counseling		
Restrictions		

Edit Delete

Financials in CCAP3

Option 3: From Case Charges

Create condition

Condition type: Costs (JW)

Schedule:
Collected by DOC? Yes No

Amount: Required
Total assessed: \$0.00
Excess/shortfall:
Total balance due: \$0.00

Total due to DOC: \$0.00

Days to pay:
Due date: MM-DD-YYYY
Payment priority: 200
Failure to pay action: ▾

Failure to pay duration: 1y 1mo 1w 1d 1h 1mi

Add creditor information

Remove assessment

Add assessment

Condition text:
0/2000 characters

Find and add quick text: ▾

RESTITUTION

- For proceedings where juveniles have been found to violated the law in a way that damaged property or caused someone actual physical injury [Wis. Stat. Sec. 938.34(5)]

RESTITUTION

- May be part of deferred prosecution, consent decree, or dispositional order form ([JD-1745](#), [JD-1746](#), or [JD-1747](#))
- Juvenile may be ordered to:
 - Make repairs to the damage
 - Pay monetary restitution, and/or
 - Perform services for the victim (if victim agrees)
- When ordering juvenile to pay monetary restitution, court needs to find juvenile *alone* is financially able to pay [Wis. Stat. Sec. 938.34(5)(a)]
- Parents may also be ordered to pay restitution up to \$5,000 [Wis. Stat. Sec. 938.45(1r)(a)]

RESTITUTION

Amount of Restitution can be linked to the age of the youth:

- Juvenile under 14 years: maximum \$250 in restitution or 40 total hours of services for the victim [Wis. Stat. Sec. 938.34(5)(c)]

POLL QUESTION

Whose responsibility is it to collect restitution?

- Juvenile Clerk
- County Agency
- Court financial person

POLL QUESTION

- How are payments communicated to the DA's office, County Agency, and the Clerk's office?

SURCHARGE

- Ch. 814, a court may impose costs, fees, and surcharges against a kid 14 years or older
- Victim Witness Surcharge - \$20 written in dispositional order [Wis. Stat. Sec. 938.34(8d)]
- Drug Offender Diversion Surcharges should not be used in Delinquency Cases only "crimes" and "convictions" [Wis. Stat. Sec. 973.043(1)]
 - Ch. 938 does not reference this statute or a surcharge for drug offenses
 - Wis. Stat. Sec. 814.75(1) only lists criminal statute number and makes no reference to juvenile cases or Ch. 938

The Financial Calculator

CCAP Case Calendar eFiling review Financial Jury Documents Change of venue (3) Applications +

Case management

- Create
- Search
- Case financials
- Create receipt
- Financial calculator

Financial calculator

Case type: Juvenile Delinquency (JV) Offense date: 01-01-2024 Plaintiff agency: State of Wisconsin (1) Statute/ordinance: Statute Ordinance

Statute: 938.13(12) - JIPS-Delinquent Juvenile under Age of 10 (1) Severity: JIPS U (JIPS-Delinquent Juvenile under Age of 10) (1)

Assessment type: Fine/forfeiture Costs Amount: \$20.00 Schedule: Juv Victim/Witness No CLD (JVVW)

Total assessed: \$20.00 Excess/shortfall: \$0.00

Description	Priority	Amount
Juv. Del. Victim Wit. Sur (JDVW)	30	\$20.00

The Financial Calculator

CCAP Case Calendar eFiling review Financial Jury Documents Change of venue (3) Applications +

Case management

- Create
- Search
- Case financials
- Create receipt
- Financial calculator

Financial calculator

Case type: Juvenile Delinquency (JV) Offense date: 01-01-2024 Plaintiff agency: State of Wisconsin (1) Statute/ordinance: Statute Ordinance

Statute: 961.41(1m)(b) - Possess w/Intent/Deliver Non-Narcotics (1) Severity: Felony H (Possess w/ Intent/Deliver Non-Narcotics) (1)

Assessment type: Fine/forfeiture Costs Amount: \$0.00 Fine/forfeiture only? Yes No Schedule: Felony Violations (FOTH)

Total assessed: \$278.00 Excess/shortfall: \$0.00

Description	Priority	Amount
Circuit Court Fees Payable (CCFP)	30	\$163.00
Crime Lab and Drug Surcharge (CLD)	30	\$13.00
Crime Prev Fnd Bnd Surcharge (CPFBS)	30	\$0.00
DNA analysis surcharge (DNAAS)	999	\$0.00
Dom Abuse Surcharge (DOMAB)	30	\$0.00
Drug Abuse Surcharge (DRG)	999	\$0.00
Jail Surcharge - County (JAIL)	30	\$10.00
Penalty Surcharge (PEN)	30	\$0.00
State F/F Others (SFOTH)	30	\$0.00
Victim Witness Surcharge (VW)	30	\$92.00

FORFEITURE

- Must find juvenile alone is able to pay forfeiture
- Maximum amount of the forfeiture:
 - Amount allowed for adults, or
 - If only applicable to juveniles: \$100
- Penalties for failing to pay:
 - Suspend hunting or fishing licenses for not less than 30 days and not more than 5 years [Wis. Stat. Sec. 938.34(8)]
 - Suspend driving privileges for not more than 2 years [Wis. Stat. Sec. 938.34(8)]
- Some counties: set case for review when youth turns 18 or 19 and issues a tax intercept

FORFEITURE

- Commitment Order for Non-payment of Fine/Forfeiture (GF-148)
 - Not appropriate to use for juvenile forfeitures, even once the "juvenile" turns 17 or 18 years old
- Ch. 938 does not provide authority for using juvenile detention or jail as a sanction for nonpayment of forfeitures in delinquency or juvenile ordinance cases [Wis. Stat. Secs. 938.17(2)(d), 938.343(2) & 938.34(8)]

FILING FEES - GUARDIANSHIPS

- The court may not require a non-parent petitioner to pay a deposit or pay GAL fees in a Wis. Stat. Sec. 48.9795 guardianship case
- Grandparents or stepparents seeking visitation in a new or pending guardianship case are required to pay a \$60 filing fee [Wis. Stat. Secs. 48.9795(12), 814.61(13m)]
- Grandparent visitation under Wis. Stat. Sec. 48.9795 requires one or both of the parents to be deceased

JURY TRIAL FEE

- Counties may collect a jury fee for a jury trial in a CHIPS or TPR case
- The fee is \$6 per juror
- Jury fees are part of the Code of Civil Procedure (Wis. Stat. Sec. 814.61(4)), and case law holds that the Code of Civil Procedure applies to CHIPS and TPR cases unless a different procedure is specifically provided in Ch. 48
- Parent may petition the court to waive the fee using circuit court form [CV-410A](#)
- However, not all counties collect a jury fee in CHIPS and/or TPR trials

POLL QUESTION

- Does your county collect jury trial fees for CHIPS cases?

POLL QUESTION

- Does your county collect jury trial fees for TPR cases?

POLL QUESTION

How are the GALs in juvenile cases paid in your county?

- A. Hourly
- B. Flat fee per case
- C. Flat fee per year
- D. Per county contract
- E. Another way

GAL FEES

- Wis. Stat. Sec. 48.235(8)(b) & 938.235(8)(b) - the court may order the parents to pay GAL fees, but may permit exceptions for indigency or unfairness
- [Cv-410A](#) - Petition for Waiver of Fees & Costs Affidavit of Indigency (use of this form is optional)
- Wis. Stat. Sec. 48.235(8)(a) & 938.235(8)(a) - GALs shall be compensated at a rate court deems "reasonable".
 - Current Supreme Court Rule sets rate at minimum of \$100, unless different contract rate
 - The court may order the county to pay the GAL fees - but not at a rate higher than \$100 per hour (rate of a private attorney under Wis. Stat. 977.08(4m)(b))

GAL FEES - MINOR GUARDIANSHIP CASES

- Reimbursement of GAL fees – Wis. Stat. Sec. 48.235(8) – the court may order the parents to provide reimbursement for the GAL fees, but it is not required
- In guardianship cases, if the statutes do not specify how the GAL fees are paid, it falls to the county to pay the GAL fees

"...where a guardian ad litem is appointed by a court to represent an indigent minor and no specifically applicable provision for payment of fees appears in the statute, the county of venue must pay those fees." See *Romasko v. Milwaukee*, 108 Wis. 2d 32, 321 N.W.2d 123 (1982) and s. 757.48(2)

GAL FEES - PRIVATE ADOPTION

- Court can order proposed adoptive parents to pay the GAL fees in a private uncontested TPR or adoption case [Wis. Stat. Sec. 48.235(8)]
- In cases of indigency, the court may order the county to pay the GAL fees in whole or in part

LEGAL FEES - SPD for YOUTH

Q: In a delinquency case, can a county charge the parents for their child's public defender appointment?

A: Yes, unless the court finds that the interests of the parent and the juvenile are substantially and directly adverse and reimbursement would be unfair to the parent [Wis. Stat. Sec. 938.275(2)]

- Reimbursement payments shall be payable to the clerk of courts and transmitted to the county treasurer [Wis. Stat. Sec. 938.275(2)(d)]

SPD RECOUPMENT

- Follow previous CCAP2 procedure
- Procedure:
 - Go to Reports
 - Click on Special
 - Click on Financial
 - Click on Juvenile Legal Fee Recoup
- Fill in the screen
- For "Prepared by," enter your name
- Print, sign, send to SPD's office (terbrakw@opd.wi.gov) or follow county procedure

SPD RECOUPMENT

Q: Our county only completes an Order for Recoupment of Costs of Legal Services (JD-1762) at the initial delinquency finding. The form also indicates other instances (e.g., requests for revision/extension/change of placement/perm plan review). Can this order be completed for those times as well?

A: Yes. Wis. Stat. Sec. 938.275(2) does not limit recoupment to pre-disposition representation. It states, "If the state or a county provides legal counsel to a juvenile subject to a proceeding under Wis. Stat. Sec. 938.12 or 938.13..." [see also Wis. Stat. Sec. 48.275]

- [JD-1762](#) - Order for Recoupment of Legal Services
- [JD-1762A](#) - Public Defender Response to Parent Request for indigency.
- [JD-1763B](#) - Order on Parents Request for indigency

POLL QUESTION

In your county, does the court issue an Order for Recoupment of Costs of Legal Services for counsel provided to the juvenile in post-dispositional proceedings?

- A. Yes, routinely
- B. Yes, occasionally
- C. Never
- D. I don't know

LEGAL FEES - COURT APPOINTED PARENT'S COUNSEL

- Parents can obtain counsel when:
 - Counsel is appointed at county expense at the court's discretion
 - Through the SPD 5-County Pilot program (Wis. Stat. Sec. 48.233)
 - In WICWA cases through the SPD

TITLE IV-E REPRESENTATION PROGRAM

Circuit Courts can receive Title IV-E funding for county appointments of GALs for children and attorneys for parents

- Rate for 2025: 24% for CHIPS and 41% for TPR cases (publicly filed)
- Can recoup money from parents or other parties on a case-by-case basis
- Application due October 25, 2024
- Each court must have agreement with county agency (federal funding will pass through the agency to the court)
- This is a non-competitive grant
- <https://dcf.wisconsin.gov/title4e>

POLL QUESTION

- If your county uses an indigency standard when determining whether a parent should be ordered to pay GAL fees, how is this determined?
 - 1. Statement of Income, Assets, Debts and Living Expenses (JD-1718)
 - 2. Petition for Waiver of Fees and Costs - Affidavit of Indigency (CV-410A)
 - 3. County-created form
 - 4. Court questions parent verbally
 - 5. Other

DRAFTING - ORDER TO COLLECT LEGAL FEES

- Orders for Recoupment of Costs of Legal Services for Public Defender fees –
 - Parent 1 and Parent 2 are auto-populated with the names of the mother and father. However, if dad's party type is listed as "adjudicated father," his name will not auto-populate. I have to change the party type to "father" to get his name to show up (and change it back to "adjudicated father" when I'm done). Can this be changed?

PARENTS' CONTRIBUTION

- Under Ch. 938, when a juvenile is held in custody, parents can be ordered to contribute towards the cost of custody
- If a juvenile is found to be delinquent, or in need of protection or services, parents can be ordered to contribute towards the cost of post-adjudication services, including placement, in proportion to the amount the parents are able to pay [Wis. Stat. Sec 938.275(1)]
- Under Ch. 48, if a child is found to be in need of protection or services, parents may be ordered to contribute towards the cost of post-adjudication services [Wis. Stat. Sec. 48.275(1)]

CIVIL JUDGMENTS

- Circuit Court forms:
 - Notice of Intent to Enter Civil Judgment for Restitution, Forfeiture, or Surcharge ([JD-1758](#))
 - Petition for Judgment Against Juvenile/Parent for Unpaid Restitution ([JD-1759](#))
 - Petition for Judgment Against Juvenile/Parent for Unpaid Forfeiture/Surcharge ([JD-1760](#))
 - Judgment for Unpaid Restitution/Forfeiture/Surcharge ([JD-1761](#))
- Victims (or insurance company) may seek civil judgment against juvenile or parents for restitution
 - Petition must be filed no later than 1 year after expiration of DPA, consent decree, or dispositional order [Wis. Stat. Sec. 895.035(2m)(a),(b)]

CIVIL JUDGMENTS

- If there is not an existing JV or JO case, the clerk would use the JJ (Juvenile Judgment) or TJ (Transcript of Judgment) case type when a petition for a civil judgment is filed with the court
- A garnishment cannot be done in a delinquency case. Instead, a SC or CV case should be opened, depending on the amount to be collected, using the appropriate garnishment class code.

DEBT COLLECTION

Statewide Debt Collection (SDC) User Guide:

- You must have a signed contract with SDC to use the CCAP interface
 - If your county has not sign this contract, you will still be able to use the manual workflow on the SDC website but will not be able to use all the available CCAP features
- You must also abide by the SDC requirements in order to send a debt to SDC
 - Debtor must be over 18
 - Notice of Intent (GF-305) was sent at least 30 days ago
 - Debt is at least 90 days old
 - Total of debts for this debtor is at least \$50
 - Debts are in the same interest period
 - This only applies if a debt is linked to a judgment for unpaid fine/forf
 - Debt is not currently at DOC
 - Debt is not currently on a payment plan
 - Debt is not currently at Tax intercept
 - Debt is not currently at a private collection agency
 - Etc

DEBT COLLECTION

Statewide Debt Collection (SDC):

- These features are found in CCAP3 financial management

The screenshot displays the CCAP3 Financial management interface. The top navigation bar includes tabs for Case, Calendar, eFiling review, **Financial**, Jury, Documents, Change of venue, and Applications. The left sidebar shows the 'Financial management' section with options: Create, Search, Month end, Paid receivables follow-up, **State debt collect** (highlighted), SDC actions, Receipt SDC payments, and Tax intercept. The main content area is titled 'State debt collections (SDC) eligibility' and contains the following fields:

- Saved search:** A dropdown menu with a 'Save current search criteria' link.
- Last/business name:** A text input field with a 'Start typing' placeholder.
- First name:** A text input field.
- Middle name:** A text input field.
- Search similar:** Radio buttons for 'Yes' and 'No'.
- Date of birth:** Fields for 'From' and 'To' (MM-DD-YYYY) with calendar icons, and a 'SSN/Federal ID' section with 'Yes', 'No', and 'Either' options.
- Driver license:** Radio buttons for 'Yes', 'No', and 'Either'.
- Due date:** Fields for 'From' and 'To' (MM-DD-YYYY) with calendar icons, and a 'Range' dropdown menu.
- Balance due:** A section with 'Amount is' (Greater than) and 'Amount' (\$0.00).
- Case number:** A text input field.
- Case type:** A dropdown menu.

DEBT COLLECTION

- How can information about collections actions and efforts on specific cases be recorded in CCAP?

DEBT COLLECTION

2023JV000179 In the Interest of

Summary Parties Activities Court record Documents Charges **Financials** Judgments Exhibits

Financials

Assessments

--Choose action-- Create costs or fees assessment Create restitution assessment Edit views

Debtor name	Charge number	Assess number	Receivable number	Schedule	Amount	Paid to date	Adjustments	CDC balance due	DOC balance due	Due date	Failure to pay action	Case number	SDC status	Social security number	Drivers license number
		245	1167836	JUV	\$20.00	\$0.00	\$0.00	\$20.00	\$0.00			2023JV000179			
	000410			Victim/Witness No CLD (JVWO)											

Receipts

--Choose action-- Edit views

Receipt number	Receipt date	Payor name	Debtor name	Case amount	Total amount	Voided	Drawer number	Cashier
Start typing to filter	Start typing to filter	Start typing to filter	Start typing to filter	Start typing to filter	Start typing to filter	All	Start typing to filter	Start typing to filter

Receivables

--Choose action-- Edit views

Receivable number	Pay plan	Debtor name	Due date	Total assessed	Paid to date	Balance due	Warrant type	SDC status	Date of birth	Collection agency	Collection contract
1167836	No			\$20.00	\$0.00	\$20.00			08-29-2006		

Enforcement actions

DOT license suspended Sent to collections: Professional Placement Service

Enforcement actions

State debt collection (non-restitution): Accepted Judgment for unpaid fine/forfeiture 6.5000% interest rate, effective 12-12-2019 Docketed judgment

Enforcement actions

Tax intercept: Accepted Judgment for unpaid fine/forfeiture 5.2500% interest rate, effective 10-16-2017 Docketed judgment

DEBT COLLECTION

Receivable 272389

Receivable **Payment plan** Assessments Accounts Payments/Adjustments Additional financial information

Receivable 282603 Receivable actions

Receivable Assessments Accounts Payments/Adjustments Additional financial information **State debt collection**

State debt collection

--Choose action-- Unhide rows Edit views

Show 15 entries Reset filters

Debt number	Debtor name	SDC status	Is for restitution	DOR balance due (including admin fee)	DOR principal payment	DOR interest payment	Due date	Social security number	Drivers license number	Comments from SDC/DOR
2006425		Accepted (A)	No	\$453.28			12-05-2019			

DEBT COLLECTION

Receivable 282603					Receivable actions ▾
Receivable	Assessments	Accounts	Payments/Adjustments	Additional financial information	State debt collection
Additional financial information					
--Choose action-- ▾		Create	Edit views		
Date	Collection history code	Amount	History comments	Contract sequence number	
<input type="text" value="Start typing to filter"/>	<input type="text" value="All"/>	<input type="text" value="Start typing to filter"/>	<input type="text" value="Start typing to filter"/>	<input type="text" value="Start typing to filter"/>	
10-09-2020	SDC New Debt Accepted (SDCA)	\$0.00	See SDC tab for details		
10-07-2020	SDC New Debt Pending (SDCP)	\$0.00	See SDC tab for details		
10-07-2020	Take back from DOR (TBDOR)	\$210.31	Debtor: , Assessment(s): 19S 012830, 19S 014049		
10-07-2020	Tax Int. Balance Accepted (TIBA)	\$210.31	Debtor: , Assessment(s): 19S 012830, 19S 014049		
10-05-2020	Tax Int. Balance Pending (TIBP)	\$9.81	19S 014049		
09-04-2020	Tax Int. Balance Rejected (TIBR)	\$209.22	Debtor: , Assessment(s): 19S 012830, 19S 014049		
09-02-2020	Tax Int. Balance Pending (TIBP)	\$8.72	19S 014049		
08-06-2020	Tax Int. Balance Accepted (TIBA)	\$208.13	Debtor: , Assessment(s): 19S 012830, 19S 014049		
08-04-2020	Tax Int. Balance Pending (TIBP)	\$7.63	19S 014049		
07-03-2020	Tax Int. Balance Accepted (TIBA)	\$207.04	Debtor: , Assessment(s): 19S 012830, 19S 014049		
07-01-2020	Tax Int. Balance Pending (TIBP)	\$6.54	19S 014049		
06-26-2020	SDC Notice of Intent (SDCNI)	\$205.95			
06-05-2020	Tax Int. Balance Rejected (TIBR)	\$205.95	Debtor: , Assessment(s): 19S 012830, 19S 014049		

DEBT COLLECTION

Create additional financial information

Date

09-16-2024

Code

Amount

\$0.00

Comments

0/2000 characters

Save

Cancel

DEBT COLLECTION

- The money judgment against the juvenile is no longer confidential once the district attorney, corporation counsel, municipal attorney, etc. obtain a judgment against the juvenile/parent and the judgment is entered and docketed
- A money judgment against a juvenile is a civil judgment and therefore a public record
- The juvenile record, however, still remains confidential

DEBT COLLECTION

What CAN a clerk do?

- Convert a debt to a judgment and docket the judgement before referring to SDC
- Suspend a debtor's license before referring to SDC

What can a clerk NOT do?

- Refer the debt to SDC and then convert it to a judgment
- Garnish wages after referring the debt to SDC
- Send collection letters after referring the debt to SDC

DEBT COLLECTION

Q: How long should clerks try to collect a debt?

A: While it is important to collect a debt owed to the court, be mindful of public relations in your community as well

DEBT COLLECTION

Q: Can SDC collect a debt on an expired judgement?

A: Yes. A judgment is not actually required to collect a debt. A judgment can be ordered by the court to collect on a debt, but it is not required

Judgements themselves do not contain an expiration date. In general, court-ordered debts do not expire, however the law only allows collection for up to 20 years [Wis. Stat. Sec. 893.40] SDC has now matched this policy and has been returning debts that are older than 20 years

DEBT COLLECTION

Statewide Debt Collection (SDC) User Guide:

- How long will SDC collect?
 - Typically, until paid in full or after five years of being at DOR with no recent transactions
 - SDC also reviews debtors and may stop collection before five years if they deem the debt uncollectible
 - While there is no time restriction on when debts can be sent to SDC, it is recommended that a referral is made sooner rather than later

DEBT COLLECTION

- If a clerk refers a debt to SDC, can the clerk also try to collect the debt?
 - If a debt is with SDC, the clerk cannot take another collection action, like sending to tax intercept), BUT they can collect money if a debtor wants to make a payment.
 - “The debtor should make all payments directly to the Wisconsin Department of Revenue (DOR) if their debts have been turned over to State Debt Collection (SDC). However, if the debtor visits the courthouse to make a payment, the clerk has the option to receive the money and send it to DOR. You are required to report that payment to SDC so they are aware in addition to sending them the money. There is helpful documentation on this and other SDC workflows on <https://wicourtshelp.zendesk.com>”

CourtNet – [Collections Handbook](#)

WI DOR – [Statewide Debt Collection \(SDC\) Guide](#)

TAX INTERCEPT

DOR RESOURCES FOR TAX INTERCEPTS:

- Tax intercept and SDC requirements are maintained by DOR – for questions about the requirements please reach out to:
 - DORAgencyCollections@wisconsin.gov
- Tax intercept website:
 - <https://www.revenue.wi.gov/Pages/ISE/trip-home.aspx>
- SDC Website:
 - <https://www.revenue.wi.gov/Pages/HTML/debtcoll.aspx>
- SDC Agreement:
 - <https://www.revenue.wi.gov/Documents/debtcoll6.pdf>

If the CCAP system is preventing you from sending a debt, but you don't know why, please reach out to CCAP at CCAP.Support@Wlcourts.gov

THANK YOU!

CCIP -

Bridget Mauerman, Director
Bridget.Mauerman@Wlcourts.gov

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