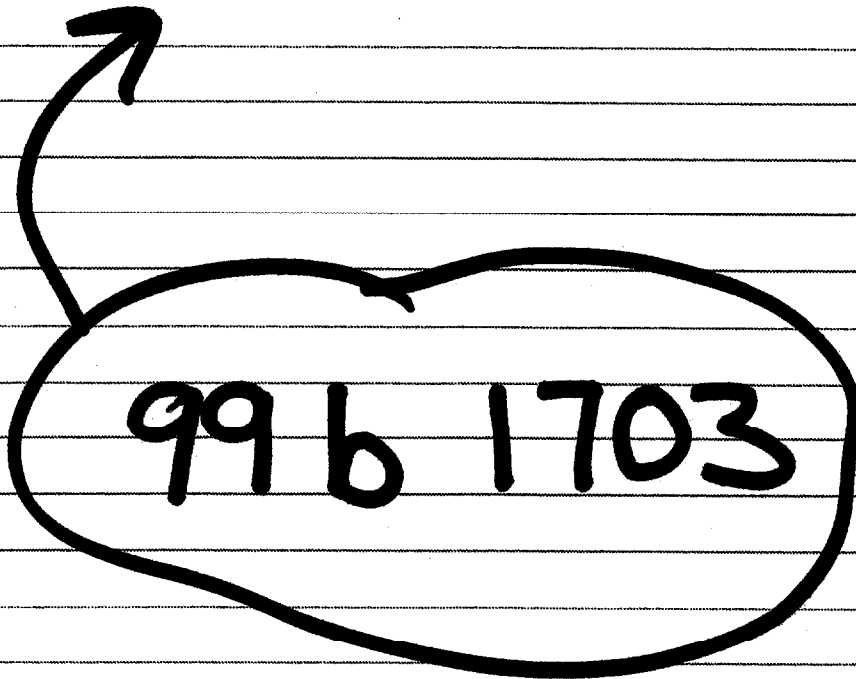


b1636/4 w/ b1703/2  
became b1636/5;

~~b1636/5~~ w/ b1729/3

became b1938/1



996 1703

**1999 DRAFTING REQUEST****Senate Amendment (SA-AA(LRBb1636/3)-ASA1-AB133)**Received: **07/19/1999**Received By: **kahlepj**Wanted: **Soon**

Identical to LRB:

For: **Gary George (608) 266-2500**By/Representing: **Dan Rossmiller**This file may be shown to any legislator: **NO**Drafter: **kahlepj**

May Contact:

Alt. Drafters:

Subject: **Dom. Rel. - cust. and plac.**  
**Dom. Rel. - miscellaneous**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Modifications to placement and custody provisions and guardian ad litem status conference

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kahlepj 07/19/1999	gilfokm 07/23/1999		_____			
/1			mclark 08/03/1999	_____	lrb_docadmin 08/03/1999	lrb_docadmin 08/03/1999	
/2	kahlepj 08/23/1999	wjackson 08/23/1999	martykr 08/23/1999	_____	lrb_docadmin 08/23/1999	lrb_docadmin 08/23/1999	

FE Sent For:

&lt;END&gt;

1999 DRAFTING REQUEST

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/?	kahlepj 07/19/1999	gilfokm 07/23/1999		_____			
/1		1/2 WLG 8/23	mclark 08/03/1999	_____	lrb_docadmin 08/03/1999	lrb_docadmin 08/03/1999	

*Handwritten signatures and dates:*  
m 8/23  
JF  
m 8/23

FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Senate Amendment (SA-AA(LRBb1636/3)-ASA1-AB133)**

Received: 07/19/1999

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Subject: Dom. Rel. - cust. and plac.  
Dom. Rel. - miscellaneous

Extra Copies:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Modifications to placement and custody provisions and guardian ad litem status conference

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kahlepj 07/19/1999	gilfokm 07/23/1999	lrb_wpo	_____			

FE Sent For:

mrc  
8/2  
mrc/JF  
8/2  
<END>

**1999 DRAFTING REQUEST**

**Senate Amendment (SA-AA(LRBb1636/2)-ASA1-AB133)**

Received: 07/19/99

Received By: kahlepj

Wanted: Soon

Identical to LRB:

For: Gary George (608) 266-2500

By/Representing: Dan Rossmiller

This file may be shown to any legislator: NO

Drafter: kahlepj

May Contact:

Alt. Drafters:

Subject: Dom. Rel. - cust. and plac.  
Dom. Rel. - miscellaneous

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Modifications to placement and custody provisions and guardian ad litem status conference

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	kahlepj	1-7-23-99 kmg		_____			

FE Sent For:

<END>

**Kahler, Pam**

---

**To:** Rossmiller, Dan  
**Subject:** RE: Child Custody & Placement Modifications

-----Original Message-----

**From:** Rossmiller, Dan  
**Sent:** Friday, July 16, 1999 7:55 PM  
**To:** Kahler, Pam  
**Cc:** Lange, Cathy  
**Subject:** Child Custody & Placement Modifications

This is to elaborate on the voice mail message I left.

#### Joint/Sole Legal Custody

Change the language in s. 767.24(2)(b) 2. to provide that if the parties do not agree to sole legal custody, but at least one party requests sole legal custody and the court specifically finds any of the following:

- a. One party is not capable of performing parental duties and responsibilities or does not wish to have an active role in raising the child.
- b. One or more conditions exist at that time that would substantially interfere with the exercise of joint custody.
- c. The parties will not be able to cooperate in the future decision making required under an award of joint legal custody...

Specifically, at p. 10, line 3 of LRB b1636/2: delete the words "2 or more" and substitute "any".

#### Changes to Parenting Plan:

Add language to 767.24 (1m) (b) to the effect that if a temporary restraining order has been issued against one of the parties under s. 813.12 (3), Stats., the other party shall not be required to disclose a specific street address but only a general description of where that party lives or intends to live.

Add language to 767.24 (1m) (c) to the effect that if a temporary restraining order has been issued against one of the parties under s. 813.12 (3), Stats., the other party shall not be required to disclose a specific street address but only a general description of where that party works.

Create s. 767.24 (1m) (o) to the effect that if a temporary restraining order has been issued against one of the parties under s. 813.12 (3), Stats., each party must include provisions in the parenting plan designed to ensure the safe transfer of the child/children from physical placement with one parent to physical placement with the other parent.

#### Status Conference of GAL Progress

Include provisions allowing the parties to request a status conference on the progress of the GAL:

These provisions should allow either of the parties, at any time later than 120 days after the appointment of the guardian ad litem, to request a status hearing before the court on the work of the guardian ad litem. Allow subsequent hearings on the status of the work of the guardian ad litem to be held only after at least 120 days have passed since the time of the first hearing.

#### Exception to Paternity Determination/ Legal Custody/Physical Placement Determination for a Child Conceived As the Result of a Sexual Assault

I have no specific suggestion as to language to accomplish this.

If this helps you, the proposal is being criticized on the ground that victims of sexual assault would be forced to have

contact with their assailants and should not be required to share joint placement of a child with a rapist.

## Kahler, Pam

---

**From:** Rossmiller, Dan  
**Sent:** Friday, July 16, 1999 7:55 PM  
**To:** Kahler, Pam  
**Cc:** Lange, Cathy  
**Subject:** Child Custody & Placement Modifications

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- a. One party is not capable of performing parental duties and responsibilities or does not wish to have an active role in raising the child.
- b. One or more conditions exist at that time that would substantially interfere with the exercise of joint custody.
- c. The parties will not be able to cooperate in the future decision making required under an award of joint legal custody...

Specifically, at p. 10, line 3 of LRB b1636/2: delete the words "2 or more" and substitute "any".

### ✓ Changes to Parenting Plan:

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Add language to 767.24 (1m) (c) to the effect that if a temporary restraining order has been issued against one of the parties under s. 813.12 (3), Stats., the other party shall not be required to disclose a specific street address but only a general description of where that party works.

Create s. 767.24 (1m) (o) to the effect that if a temporary restraining order has been issued against one of the parties under s. 813.12 (3), Stats., each party must include provisions in the parenting plan designed to ensure the safe transfer of the child/children from physical placement with one parent to physical placement with the other parent.

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### ✓ Exception to Paternity Determination/ Legal Custody/Physical Placement Determination for a Child Conceived As the Result of a Sexual Assault

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If this helps you, the proposal is being criticized on the ground that victims of sexual assault would be forced to have contact with their assailants and should not be required to share joint placement of a child with a rapist.





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1703/

PJK...|:...

ting

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SENATE AMENDMENT,

TO ASSEMBLY AMENDMENT (LRBb1636/2),

3 (this is changed)

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

SOON  
(7-19-99)  
D-note

State of Wisconsin  
LEGISLATURE

Insert 1-2

1 At the locations indicated, amend the amendment as follows:

2 ✓ 1. Page 4, line 22: after that line insert:

3 ✓ 2. Page 8, line 22: after "years." insert "If a temporary restraining order under  
4 s. 813.12 (3) or an injunction under s. 813.12 (4) has been issued against any person  
5 with respect to the parent providing the parenting plan, that parent is not required  
6 to disclose the specific address but only a general description of where he or she  
7 currently lives and intends to live during the next 2 years."

8 ✓ 3. Page 8, line 23: after "~~years~~" insert "If a temporary restraining order under  
9 s. 813.12 (3) or an injunction under s. 813.12 (4) has been issued against any person  
10 with respect to the parent providing the parenting plan, that parent is not required

employment

1 to disclose the specific address but only a general description of where he or she  
2 works.”.

3 ✓ **4.** Page 9, line 14: after that line insert:

4 “(o) If a temporary restraining order under s. 813.12 (3) or an injunction under  
5 s. 813.12 (4) has been issued against either party with respect to the other party, how  
6 the child will be transferred between the parties for the exercise of physical  
7 placement to ensure the safety of the child and the parties.”.

8 ✓ **5.** Page 9, line 16: delete “(am), (b) and (c)” and substitute “(am) to (d)”.

9 ✓ **6.** Page 10, line 3: delete “2 or more” and substitute “any”.

10 ✓ **7.** Page 10, line 21: after that line insert:

11 “SECTION 3054cqm. 767.24 (2) (d) of the statutes is created to read:

12 767.24 (2) (d) Paragraphs (am), (b) and (c) do not apply if the child was  
13 conceived as a result of a sexual assault in violation of s. 940.225 (1), (2) or (3), 948.02  
14 (1) or (2) or 948.025.”.

15 ✓ **8.** Page 11, line 18: after that line insert:

16 “SECTION 3054ctm. 767.24 (4) (e) of the statutes is created to read:

17 767.24 (4) (e) Notwithstanding pars. (a) 2. and (b) and sub. (5) <sup>the</sup> the court is not  
18 required to award periods of physical placement to a father of a child conceived as  
19 a result of a sexual assault in violation of s. 940.225 (1), (2) or (3), 948.02 (1) or (2)  
20 or 948.025.”.

21

(END)

Insert 2-20

J-note



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1635/1  
PJK:jl:km

SENATE AMENDMENT,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 133

*Insert 1-2*

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1409, line 4; after that line insert:

3 "SECTION 3051q. 767.045 (4m) of the statutes is created to read:

4 767.045 (4m) STATUS HEARING. (a) Subject to par. (b), at any time after 120 days  
5 after a guardian ad litem is appointed under this section, a party may request that  
6 the court schedule a status hearing related to the actions taken and work performed  
7 by the guardian ad litem in the matter.

8 (b) A party may, not sooner than 120 days after a status hearing under this  
9 subsection is held, request that the court schedule another status hearing on the  
10 actions taken and work performed by the guardian ad litem in the matter."

11 (END of insert 1-2)

Insert 2-20

✓ #. Page 34, line 19: after "(am) and (e)"  
insert "and (4m)".

✓ #. Page 34, line 21: delete "(b) and (c), (4)(c)"  
and substitute "(b), (c) and (d), (4)(c)  
and (e)".

✓ #. Page 35, line 13: after "(am) and (e)" insert  
"and (4m)".

✓ #. Page 35, line 15: delete "(b) and (c), (4)  
(c)" and substitute "(b), (c) and (d), (4)  
(c) and (e)".

(end of insert 2-20)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBb1703/dn

PJK.....  
*fmg*

1. This amendment is drafted as an amendment to LRBb1636. It cannot be drafted as an amendment to the substitute amendment to AB-133. The only other way that this amendment could be drafted is by redrafting LRBb1636 and incorporating these changes. Let me know if you would prefer the latter method.

2. For the provisions on determinations related to a child conceived as a result of sexual assault, I did not amend s. 767.463 in any way. I don't think it is a good idea to specifically mention sexual assault as a reason for not determining paternity, because then other reasons for not determining paternity may be overlooked or even excluded by a court. A possible alternative, however, would be to *prohibit* the court from determining paternity in the case of sexual assault, but I did not think that the instructions went that far. (As you can see, I did not *prohibit* a court from ordering joint legal custody or periods of physical placement to the father of a child conceived as a result of sexual assault.)

I also did not make any additional changes to s. 767.477 (1). Presumably, temporary orders are made on the same basis <sup>as</sup> on which final orders ~~are made~~ are made. Since, for a final order on physical placement, the court is not required to award physical placement to the father of a child conceived as a result of a sexual assault, presumably an *appropriate* temporary order would not require an award of physical placement to such a father.

Let me know, however, if you want any changes to s. 767.463 or 767.477 (1), or if you want to discuss this further.

3. In the parenting plan, I provided that a parent does not have to be specific as to addresses if *any* temporary restraining order or injunction has been issued (not just against the other parent) because the parenting plan will probably be open to public inspection. See s. 767.19 (1).

4. The guardian ad litem states hearing language is delayed for six months, as are the other provisions related to custody and physical placement. Is this okay?

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: Pam.Kahler@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBb1703/1dn  
PJK:kmg:mrc

August 3, 1999

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Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: Pam.Kahler@legis.state.wi.us

Karen:

61938 is 61636 w/ a couple additional amendments included. As you can see, it is very fact because it includes all of the ~~quits~~ for 61636. You might want to put this file in the "accordion" folder that is not needed for 1636. This file can be put back in the drawer when you're finished. Bury me if you have any Q's.

Pam



*Senator Gary R. George  
State of Wisconsin  
Sixth Senate District*

118 South, State Capitol Building  
P. O. Box 7882  
Madison, WI 53707-7882  
(608) 266-2500

4011 W. Capitol Drive  
Milwaukee, WI 53216  
(414) 445-9436  
(800) 362-9472

## **Facsimile Cover Sheet**

***Please deliver to the individual named below.***

To: Pam Kahler, Legislative Reference Bureau

Phone: (608) 266-2682

Fax: (608) 264-8522

From: Dan Rossmiller, Chief of Staff

Number of pages: 2, including cover sheet

Message: Here is the revision we discussed. Please call me if you have any questions. (6-2500) Thank you.



INSERT IN 3 PLACES

1999 - 2000 LEGISLATURE

there is evidence of interspousal battery as described under s. 940.19 or 940.20 (1m) or domestic abuse as described in s. 813.12(1)(a)

2. Page 8, line 22: after "years." insert "If ~~temporary restraining order under s. 813.12(3) or an injunction under s. 813.12(4) has been issued against any person~~

with respect to the parent providing the parenting plan, that parent is not required to disclose the specific address but only a general description of where he or she currently lives and intends to live during the next 2 years."

3. Page 8, line 23: after "employment." insert "If ~~temporary restraining order under s. 813.12(3) or an injunction under s. 813.12(4) has been issued against any~~

~~person~~ with respect to the parent providing the parenting plan, that parent is not required to disclose the specific address but only a general description of where he or she works."

4. Page 9, line 14: after that line insert: "(o) If ~~temporary restraining order under s. 813.12(3) or an injunction under s. 813.12(4) has been issued~~ against either party with respect to the other party, how

the child will be transferred between the parties for the exercise of physical placement to ensure the safety of the child and the parties."

5. Page 9, line 16: delete "(am), (b) and (c)" and substitute "(am) to (d)".

6. Page 10, line 3: delete "2 or more" and substitute "any".

7. Page 10, line 21: after that line insert: "SECTION 3054cqm. 767.24 (2) (d) of the statutes is created to read: 767.24 (2) (d) Paragraphs (am), (b) and (c) do not apply if the child was conceived as a result of a sexual assault in violation of s. 940.225 (1), (2) or (3), 948.02 (1) or (2) or 948.025."

8. Page 11, line 18: after that line insert: "SECTION 3054ctm. 767.24 (4) (e) of the statutes is created to read:

INSERT IN 3 PLACES

1999 - 2000 LEGISLATIVE

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person with respect to the parent providing the parenting plan, that parent is not required to disclose the specific address but only a general description of where he or she works."

4. Page 9, line 14: after that line insert:

"(c) If a temporary restraining order under s. 813.12(3) or an injunction under

s. 813.12(4) has been issued against either party with respect to the other party, how the child will be transferred between the parties for the exercise of physical placement to ensure the safety of the child and the parties."

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8. Page 11, line 18: after that line insert:

"SECTION 3054ctm. 767.24 (4) (e) of the statutes is created to read:

## Kahler, Pam

---

**From:** Rossmiller, Dan  
**Sent:** Monday, August 23, 1999 10:11 AM  
**To:** Kahler, Pam  
**Subject:** RE: Redraft of b1703

I can't say with certainty but I suspect so. This amendment is intended to address some concerns raised by domestic violence groups. The two provisions to be removed raised some issues with court commissioners and others. Apparently, they think that resolving those issues will require further drafting. For the present, they believe current law provides adequate protections.

I think our plan would be to review the situation post-budget (and post-veto) to see if any change is needed and then try to develop separate legislation to address any outstanding issues, including the issue addressed by the language to be deleted.

Two points:

- 1) We are holding two public hearings on the custody/placement budget provisions next week and would like to get the new draft back fairly quickly.
- 2) The revised b1703 should be incorporated into the draft requested by Rep. Musser, which is intended to parallel the budget language.

Thanks for all your fine work.

-----Original Message-----

**From:** Kahler, Pam  
**Sent:** Monday, August 23, 1999 9:44 AM  
**To:** Rossmiller, Dan  
**Subject:** RE: Redraft of b1703

Thanks, Dan, I did. Do you think that this change is the last one to this amendment?

-----Original Message-----

**From:** Rossmiller, Dan  
**Sent:** Monday, August 23, 1999 9:43 AM  
**To:** Kahler, Pam  
**Subject:** Redraft of b1703

I hope you had an enjoyable and restful vacation.

I am sending the "stripes" for b1703/1 back to you. The redraft should eliminate the language in items 7 and 8 of the amendment (i.e., the new sections 3054cqm and 3054 ctm).

It has been suggested that these sections may raise more questions than they would resolve, so we will leave them out at this point. Please call me if you have any questions (6-2500).



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1703/2  
PJK:kmg:mrc  
F WJ  
r mis run

SENATE AMENDMENT,  
TO ASSEMBLY AMENDMENT (LRBb1636/3),  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 133

needed  
today  
(Monday)

- 1 At the locations indicated, amend the amendment as follows:
- 2 1. Page 4, line 22: after that line insert:
- 3 "SECTION 3051q. 767.045 (4m) of the statutes is created to read:
- 4 767.045 (4m) STATUS HEARING. (a) Subject to par. (b), at any time after 120 days
- 5 after a guardian ad litem is appointed under this section, a party may request that
- 6 the court schedule a status hearing related to the actions taken and work performed
- 7 by the guardian ad litem in the matter.
- 8 (b) A party may, not sooner than 120 days after a status hearing under this
- 9 subsection is held, request that the court schedule another status hearing on the
- 10 actions taken and work performed by the guardian ad litem in the matter."

insert 2-A

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2. Page 8, line 22: after "years." insert "If a temporary restraining order under s. 813.12 (3) or an injunction under s. 813.12 (4) has been issued against any person with respect to the parent providing the parenting plan, that parent is not required to disclose the specific address but only a general description of where he or she currently lives and intends to live during the next 2 years."

insert 2-A

3. Page 8, line 23: after "employment." insert "If a temporary restraining order under s. 813.12 (3) or an injunction under s. 813.12 (4) has been issued against any person with respect to the parent providing the parenting plan, that parent is not required to disclose the specific address but only a general description of where he or she works."

insert 2-B

4. Page 9, line 14: after that line insert:  
 "(o) If a temporary restraining order under s. 813.12 (3) or an injunction under s. 813.12 (4) has been issued against either party with respect to the other party, how the child will be transferred between the parties for the exercise of physical placement to ensure the safety of the child and the parties."

5. Page 9, line 16: delete "(am), (b) and (c)" and substitute "(am) to (d)".

6. Page 10, line 3: delete "2 or more" and substitute "any".

7. Page 10, line 21: after that line insert:  
 "SECTION 3054cqm. 767.24 (2) (d) of the statutes is created to read:  
 767.24 (2) (d) Paragraphs (am), (b) and (c) do not apply if the child was conceived as a result of a sexual assault in violation of s. 940.225 (1), (2) or (3), 948.02 (1) or (2) or 948.025."

8. Page 11, line 18: after that line insert:  
 "SECTION 3054ctm. 767.24 (4) (e) of the statutes is created to read:

1           767.24 (4) (e) Notwithstanding pars. (a) 2. and (b) and sub. (5), the court is not  
 2 required to award periods of physical placement to the father of a child conceived as  
 3 a result of a sexual assault in violation of s. 940.225 (1), (2) or (3), 948.02 (1) or (2)  
 4 or 948.025.”

\* → 5           **9.** Page 34, line 19: after “(am) and (e)” insert <sup>→ and</sup>“(4m)”.

6           **10.** Page 34, line 21: delete “(b) and (c), (4) (c)” and substitute “(b), (c) and (d),  
 7 (4) (e) and (e)”.

8           **11.** Page 35, line 13: after “(am) and (e)” insert “and (4m)”.

9           **12.** Page 35, line 15: delete “(b) and (c), (4) (c)” and substitute “(b), (c) and (d),  
 10 (4) (c) and (e)”.

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb1703/lins  
PJK:kmg:mrc

INSERT 2-A

No  
Gt  
there is evidence that the other parent engaged in interspousal battery, as described under s. 940.19<sup>✓</sup> or 940.20 (1m)<sup>✓</sup>, or domestic abuse, as defined in s. 813.12 (1) (a)<sup>✓</sup>, with respect to the parent providing the parenting plan, the parent providing the parenting plan

(END OF INSERT 2-A)

INSERT 2-B

No  
Gt  
there is evidence that either party engaged in interspousal battery, as described under s. 940.19<sup>✓</sup> or 940.20 (1m)<sup>✓</sup>, or domestic abuse, as defined in s. 813.12 (1) (a)<sup>✓</sup>,

(END OF INSERT 2-B)

**SENATE AMENDMENT ,**  
**TO ASSEMBLY AMENDMENT (LRBb1636/3),**  
**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**  
**TO 1999 ASSEMBLY BILL 133**

1 At the locations indicated, amend the amendment as follows:

2 **1.** Page 4, line 22: after that line insert:

3 **"SECTION 3051q.** 767.045 (4m) of the statutes is created to read:

4 767.045 (4m) STATUS HEARING. (a) Subject to par. (b), at any time after 120 days  
5 after a guardian ad litem is appointed under this section, a party may request that  
6 the court schedule a status hearing related to the actions taken and work performed  
7 by the guardian ad litem in the matter.

8 (b) A party may, not sooner than 120 days after a status hearing under this  
9 subsection is held, request that the court schedule another status hearing on the  
10 actions taken and work performed by the guardian ad litem in the matter."



