

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1294/1dn
PJK:jld:rs

January 27, 2005

I provided that virtual parent time may be granted if more than one parent is granted physical placement. I assumed that, if a parent is denied physical placement, (which would be the case if the child's being physically placed with that parent would endanger the child's physical, mental, or emotional health) the parent should not have virtual parent time, either. Let me know, however, if you want a parent who is denied physical placement to be able to have virtual parent time.

There may be other places in ch. 767 where you would like a specific reference to virtual parent time. There could be a problem, though, if it is added in some, but not all, of the places where it might be appropriate because then it will appear that it was left out of the places where it was not added intentionally, when that may not have been the case at all. One place, however, where you might want it added is in s. 767.242. Without adding it there, however, a parent would still be able to bring a motion, petition, or order to show cause for contempt of court if he or she were denied court-ordered virtual parent time, because the parent denying it would be in violation of a court order.

Another place where it might be appropriate to add a specific reference to virtual parent time is in s. 767.247, so that a parent who intentionally kills the other parent would be prohibited from virtual parent time. If a reference is added there, however, such references might also be needed in the following sections: 48.355 (3) (b) 1., 1m., and 2., 48.42 (1m) (e) 1. and 2., 48.428 (6) (b) 1., 1m., and 2., 880.157 (1) and (2), and 938.355 (3) (b) 1., 1m., and 2.

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