



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 174
[2005 Senate Bill 244]

Parent's Electronic Communication With Child in Action Affecting the Family

Under *current law*, in a divorce or legal separation in which a minor child is involved, and in a paternity action, the court must grant sole legal custody of the child to one parent or joint legal custody to both parents together. In addition, the court must allocate between the parents *periods of physical placement*, which is the condition under which the child is physically placed with the parent and the parent has the right and responsibility during that time to care for, and make routine daily decisions concerning, the child. The court may deny a parent periods of physical placement with the child only if being physically placed with the parent would endanger the child's physical, mental, or emotional health.

2005 Wisconsin Act 174 specifies that, if a court grants periods of physical placement to both parents in such an action affecting the family, the court may grant to either or both parents a reasonable amount of electronic communication at reasonable hours during the other parent's periods of physical placement with the child. Electronic communication is defined as time during which a parent and his or her child communicate by using various types of communication tools, such as the telephone, electronic mail, instant messaging, and video conferencing or other wired or wireless technologies via the Internet. The basis for granting electronic communication is whether it is in the child's best interest and whether equipment for providing electronic communication is reasonably available to both parents. The Act also provides that:

1. Electronic communication may be used only to supplement, and not as a substitute or replacement for, the physical placement that a parent has with the child.
2. If the parent is proposing to move with the child and the other parent objects to the move, the court may not use the availability of electronic communication as a factor in support of a modification of physical placement or a refusal to prohibit the parent from moving with the child.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

3. If the court grants electronic communication to a parent whose physical placement with the child is supervised, the court must also require that the parent's electronic communication with the child be supervised.

Effective Date: Act 174 took effect on April 6, 2006.

Prepared by: Don Salm, Senior Staff Attorney

April 10, 2006

DLS:jal