

State of Misconsin 2003 - 2004 LEGISLATURE

LRB-3833/1 MJL/RPN/PJK:kjf:pg

2003 ASSEMBLY BILL 809

February 5, 2004 – Introduced by Representatives Owens, Ainsworth, Albers, Bies, Gunderson, Hines, Hundertmark, Kestell, F. Lasee, Musser and Petrowski, cosponsored by Senator Roessler. Referred to Committee on Family Law.

- 1 AN ACT *to create* 767.05 (8) of the statutes; **relating to:** substitution of judges
- 2 of divorce actions.

Analysis by the Legislative Reference Bureau

Current law generally allows a party to a civil action to file one request for substitution of a new judge for the judge assigned to the case. This bill permits a party that has been granted a divorce to file, in a subsequent proceeding related to the divorce, one request for substitution of a new judge for the judge that granted the divorce.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 **Section 1.** 767.05 (8) of the statutes is created to read:
- 4 767.05 (8) Substitution of Judge in Subsequent proceeding. (a)
- Notwithstanding s. 801.58 (1) and (3), in any action affecting the family under s.
- 6 767.02 (1) (i) or (k), a party may request a substitution of judge. The party that files
- the petition, motion, or order to show cause commencing the action shall file request
- 8 for substitution along with the petition, motion, or order to show cause.

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(b) If the respondent wishes to file a request for substitution of a judge under
this subsection, the respondent shall do so within 30 days after service of the petition
motion or order to show cause.

(c) No party may file more than one request for substitution in any one action affecting the family under s. 767.02(1)(i) or (k).

SECTION 2. Initial applicability.

(1) This act first applies to actions or proceedings, including actions or proceedings to enforce or modify a judgment or order previously granted, that are commenced on the effective date of this subsection.

10 (END)