



2021 ASSEMBLY BILL 323

May 13, 2021 - Introduced by Representatives MURSAU, THIESFELDT, ARMSTRONG and TAUCHEN, cosponsored by Senators JACQUE and BALLWEG. Referred to Committee on Family Law.

1 **AN ACT** *to repeal* 767.401 (1) (d); *to renumber and amend* 767.401 (1) (a); *to*
2 *amend* 767.401 (1) (b); and *to create* 767.401 (1) (a) 2. and 3. of the statutes;
3 **relating to:** mandatory parenting classes.

Analysis by the Legislative Reference Bureau

Under current law, in an action affecting the family in which a minor child is involved, a court may order one or both of the parties to attend parenting classes if the court determines that it is appropriate and in the best interest of the child. This bill requires the parties to attend parenting classes in an action affecting the family, other than a paternity action, in which a minor child is involved. Under the bill, a court may waive this requirement for good cause or if a parent has attended a parenting class during the course of the action affecting the family or has attended a parenting class within the six months preceding the filing of the action.

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

4 **SECTION 1.** 767.401 (1) (a) of the statutes is renumbered 767.401 (1) (a) 1. and
5 amended to read:

6 767.401 (1) (a) 1. During the pendency of ~~Except as provided under subd. 4. and~~
7 par. (b), no later than 60 days after service of the summons and petition upon the

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1 respondent or no later than 60 days after filing the joint petition initiating an action
2 affecting the family in which a minor child is involved and in which the court
3 determines that it is appropriate and in the best interest of the child, the court, on
4 its own motion, may order, the parties to shall attend a program specified by the court
5 concerning the effects on a child of a dissolution of the marriage.

6 4. If the court orders the parties to attend a program under this paragraph and
7 there is evidence that one or both of the parties have engaged in interspousal battery,
8 as described in s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12
9 (1) (am), the court may not require the parties to attend the program under subd. 1.
10 together or at the same time.

11 **SECTION 2.** 767.401 (1) (a) 2. and 3. of the statutes are created to read:

12 767.401 (1) (a) 2. Notwithstanding s. 767.35 (1), and except as provided under
13 subd. 3., the court shall require attendance at a program under subd. 1. as a condition
14 to the granting of a final judgment or order in the action affecting the family.

15 3. The court may waive the requirement for a party to attend a program under
16 subd. 1. for good cause or if the court finds that any of the following applies:

17 a. The party completed a program that satisfies the requirements of subd. 1.
18 no more than 6 months prior to service of the summons and petition upon the
19 respondent or no more than 6 months prior to the filing of a joint petition initiating
20 an action affecting the family.

21 b. The current action is to enforce or modify an order or judgment in an action
22 affecting the family for which the party has previously attended a program under
23 subd. 1.

24 **SECTION 3.** 767.401 (1) (b) of the statutes is amended to read:

