LRB-3149/2 PJK:kjf:pg

2005 ASSEMBLY BILL 887

December 20, 2005 – Introduced by Representatives Suder, Kleefisch, Hahn, Musser, Petrowski, Jensen, Hines, Gunderson and McCormick, cosponsored by Senators Zien, Brown, Darling, Roessler and Lassa. Referred to Committee on Children and Families.

AN ACT *to create* 767.085 (1m) of the statutes; **relating to:** electing not to provide an address in a petition in a family action in a case in which abuse is alleged.

Analysis by the Legislative Reference Bureau

Under current law, a petition in an action affecting the family, such as a divorce, legal separation, or paternity action, is required to include the facts relating to the residences of both parties. A petition for a domestic abuse restraining order or injunction, however, is specifically prohibited from disclosing the address of the alleged victim.

This bill provides that, in an action affecting the family, if a party is subject to a domestic abuse or harassment restraining order or injunction with respect to another party, or if a party alleges that another party has engaged in interspousal battery or domestic abuse, the party who is the victim or alleged victim may elect not to have his or her address disclosed in the petition in the action affecting the family. If a party elects not to disclose his or her address, the petition must include the name and address of the person who will act as the party's agent for service of process, pleadings, and other notices.

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

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SECTION 1. 767.085 (1m) of the statutes is created to read:

767.085 (1m) Confidentiality of address. Notwithstanding sub. (1) (a) and ss. 767.05 (4) and 802.04 (1), if a party to an action affecting the family is subject to a restraining order or injunction under s. 813.12, 813.125, or 813.127 with respect to another party to the action, or if a party to an action affecting the family alleges that another party to the action has engaged in interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) (am), the party who is the victim or alleged victim may elect not to have his or her address disclosed in the petition. If the party so elects, the petition shall include the name and address of the person who will act as the party's agent to receive service of process, pleadings, and other notices.

SECTION 2. Initial applicability.

(1) This act first applies to petitions filed on the effective date of this subsection.

14 (END)