

**ASSEMBLY AMENDMENT 3,
TO 1999 ASSEMBLY BILL 83**

December 21, 1999 – Offered by Representative STASKUNAS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 4: after “marriage” insert “, requiring marriage counseling if a
3 party states that the marriage is not irretrievably broken”.

4 **2.** Page 10, line 4: delete “~~and marriage assessment~~” and substitute “and, if
5 required under s. 767.086, marriage assessment”.

6 **3.** Page 10, line 5: delete “~~counseling~~” and substitute “counseling”.

7 **4.** Page 10, line 18: delete “The” and substitute “Regardless of whether
8 counseling is required under s. 767.086, the”.

9 **5.** Page 12, line 3: after that line insert:

10 “**SECTION 12g.** 767.086 of the statutes is created to read:

11 **767.086 Marriage counseling required under certain circumstances.**

12 **(1)** Except as provided in sub. (2), if only one party initiates a divorce action and the

1 other party files and serves a response or counterclaim that states that the marriage
2 is not irretrievably broken, the court or family court commissioner shall require the
3 parties to attend at least one hour of marriage counseling as a condition to the
4 granting of a judgment of divorce.

5 **(2)** Subsection (1) does not apply if the court or family court commissioner, on
6 the basis of evidence of interspousal battery as described under s. 940.19 or 940.20
7 (1m) or domestic abuse as defined in s. 813.12 (1) (a), determines that attending the
8 counseling will endanger the health or safety of one of the parties.

9 **SECTION 12m.** 767.12 (2) (b) 2. of the statutes is amended to read:

10 767.12 **(2)** (b) 2. If the court finds that there is a reasonable prospect of
11 reconciliation, it shall continue the matter for further hearing not fewer than 30 nor
12 more than 60 days later, or as soon thereafter as the matter may be reached on the
13 court's calendar, and may suggest to the parties that they seek counseling in addition
14 to any counseling that the parties may have been required to attend under s. 767.086.
15 The court, at the request of either party or on its own motion, may order counseling
16 in addition to any counseling that the parties may have been required to attend
17 under s. 767.086. At the adjourned hearing, if either party states under oath or
18 affirmation that the marriage is irretrievably broken, the court shall make a finding
19 whether the marriage is irretrievably broken.”.

20 **6.** Page 13, line 7: after that line insert:

21 “**SECTION 15m.** 767.23 (1) (i) of the statutes is amended to read:

22 767.23 **(1)** (i) Requiring Subject to s. 767.086, requiring counseling of either
23 party or both parties.”.

24 **7.** Page 13, line 13: after that line insert:

