

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB83)**

Received: **10/18/1999**

Received By: **kahlepj**

Wanted: **As time permits**

Identical to LRB:

For: **Tony Staskunas (608) 266-0620**

By/Representing: **Adrienne**

This file may be shown to any legislator: **NO**

Drafter: **kahlepj**

May Contact:

Alt. Drafters:

Subject: **Dom. Rel. - marriage**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Requiring marriage counseling for a divorce

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kahlepj 10/18/1999	ygeller 10/18/1999		_____			
/1			jfrantze 10/18/1999	_____	lrb_docadmin 10/18/1999	lrb_docadmin 10/18/1999	

FE Sent For:

<END>

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1?	kahlepj	1/10/18 jcg	Jb 10/18	Jb/KM 10/18			

FE Sent For:

&lt;END&gt;



State of Wisconsin  
1999 - 2000 LEGISLATURE

764  
LRBa0181/1  
PJK:jg:jf  
↑  
stays

today (mon)  
D-note

ASSEMBLY AMENDMENT ,  
TO 1999 ASSEMBLY BILL 83

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  
13 other party files and serves a response or counterclaim that states that the marriage

1 is not irretrievably broken, the court or family court commissioner shall require the  
2 parties to attend at least one hour of marriage counseling as a condition to the  
3 granting of a judgment of divorce.

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

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

9 767.12 (2) (b) 2. If the court finds that there is a reasonable prospect of  
10 reconciliation, it shall continue the matter for further hearing not fewer than 30 nor  
11 more than 60 days later, or as soon thereafter as the matter may be reached on the  
12 court's calendar, and may suggest to the parties that they seek counseling in addition  
13 to any counseling that the parties may have been required to attend under s. 767.086.  
14 The court, at the request of either party or on its own motion, may order counseling  
15 in addition to any counseling that the parties may have been required to attend  
16 under s. 767.086. At the adjourned hearing, if either party states under oath or  
17 affirmation that the marriage is irretrievably broken, the court shall make a finding  
18 whether the marriage is irretrievably broken.”.

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

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

21 767.23 (1) (i) Requiring Subject to s. 767.086, requiring counseling of either  
22 party or both parties.”.

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

24 “**SECTION 16m. Initial applicability.**



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

FLY  
LRBa0161/1dn  
PJK:jlg:jf  
↑  
stays

~~March 10, 1999~~ } new date

1. As you may have noticed, the provisions in all of the amendments that you requested have the same delayed effective date that the covenant marriage provisions have. I hope this is okay.
2. Notice my treatment of s. 767.12 (2) (b) 2. in this amendment. Is this okay?
3. Because this amendment substantially expands the scope of 1999 Assembly Bill 83, it may be considered nongermane under assembly rule 54 (3) (f).

Pamela J. Kahler  
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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa0764/1dn  
PJK:jlj:jf

October 18, 1999

1. As you may have noticed, the provisions in all of the amendments that you requested have the same delayed effective date that the covenant marriage provisions have. I hope this is okay.
2. Notice my treatment of s. 767.12 (2) (b) 2. in this amendment. Is this okay?
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