

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB108)**

Received: 03/8/99

Received By: kahlepj

Wanted: Soon

Identical to LRB:

For: Carol Owens (608) 267-7990

By/Representing: Jacque Zibrowski

This file may be shown to any legislator: NO

Drafter: kahlepj

May Contact:

Alt. Drafters:

Subject: Dom. Rel. - cust. and plac.  
Children - miscellaneous

Extra Copies:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Making denial of visitation first apply to orders granted and require modification of existing orders

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**Instructions:**

See Attached

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**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 03/8/99	ygeller 03/8/99		_____			
/1			jfrantze 03/8/99	_____	lrb_docadmin 03/8/99	lrb_docadmin 03/8/99	

FE Sent For:

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FE Sent For:

<END>

**Kahler, Pam**

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**From:** Zibrowski, Jacque  
**Sent:** Saturday, March 06, 1999 3:57 PM  
**To:** Kahler, Pam  
**Subject:** AMENDMENT NEEDED FOR AB 108

Pam,

On March 4<sup>th</sup>, the Family Law Committee had a public hearing on AB 108 (Rep. Montgomery), relating to prohibiting the granting of visitation or physical placement with a child to a parent or other person who intentionally kills a parent of the child.

Rep. Montgomery, during his testimony, said that he would like to amend the bill using the same language as contained in Senate Amendment 1 to Senate Bill 30 (companion bill).

Can you please do this Assembly Amendment and send it to our office?

Thank you. Right now, we plan to hold an executive session on Tuesday, March 16<sup>th</sup>.

**Jacque Zibrowski**

*Research Assistant to Rep. Carol Owens  
105 West, Capitol  
(608) 267-7990  
Toll-free: 1-888-534-0053*

99 a 0147



State of Wisconsin  
1999 - 2000 LEGISLATURE

a0147/1  
LRB  
PJK&GMM:pgt&lgkm  
jlg

Due 7/13/99  
3-11

Assembly  
~~SENATE~~ AMENDMENT #,  
TO 1999 ~~SENATE~~ BILL 80 → 108  
↓  
ASSEMBLY

February 18, 1999 - Offered by Senators LAZICH and DARLING.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 1, line 7: delete "the granting of visitation" and substitute "a parent
- 3 or other person who intentionally kills a parent of a child from having visitation
- 4 with".
- 5 **2.** Page 1, line 8: delete that line and substitute "placement".
- 6 **3.** Page 1, line 9: delete "parent".
- 7 **4.** Page 5, line 10: after that line insert:
- 8 "1m. Except as provided in subd. 2., if a parent who is granted visitation rights
- 9 with a child under par. (a) is convicted under s. 940.01 of the first-degree intentional
- 10 homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of the child's
- 11 other parent, and the conviction has not been reversed, set aside or vacated, the court
- 12 shall issue an order prohibiting the parent from having visitation with the child on
- 13 petition of the child, the guardian or legal custodian of the child, a person or agency

1 bound by the dispositional order or the district attorney or corporation counsel of the  
2 county in which the dispositional order was entered, or on the court's own motion,  
3 and on notice to the parent.”.

4 **5.** Page 5, line 11: delete “Subdivision 1. does” and substitute “Subdivisions 1.  
5 and 1m. do”.

6 **6.** Page 5, line 19: after that line insert:

7 “(am) Except as provided in par (b), if a parent in whose home a child is placed  
8 is convicted under s. 940.01 of the first-degree intentional homicide, or under s.  
9 940.05 of the 2nd-degree intentional homicide, of the child's other parent, and the  
10 conviction has not been reversed, set aside or vacated, the court shall change the  
11 child's placement to a placement out of the home of the parent on petition of the child,  
12 the guardian or legal custodian of the child, a person or agency bound by the  
13 dispositional order or the district attorney or corporation counsel of the county in  
14 which the dispositional order was entered, or on the court's own motion, and on notice  
15 to the parent.”.

16 **7.** Page 5, line 20: delete “Paragraph (a) does” and substitute “Paragraphs (a)  
17 and (am) do”.

18 **8.** Page 7, line 9: after that line insert:

19 “1m. Except as provided in subd. 2., if a birth parent who is granted visitation  
20 rights with a child under par. (a) is convicted under s. 940.01 of the first-degree  
21 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of  
22 the child's other birth parent, and the conviction has not been reversed, set aside or  
23 vacated, the court shall issue an order prohibiting the birth parent from having  
24 visitation with the child on petition of the child, the guardian or legal custodian of

1 the child, or the district attorney or corporation counsel of the county in which the  
2 dispositional order was entered, or on the court's own motion, and on notice to the  
3 birth parent.”.

4 **9.** Page 7, line 10: delete “Subdivision 1. does” and substitute “Subdivisions  
5 1. and 1m. do”.

6 **10.** Page 8, line 3: after that line insert:

7 “(am) Except as provided in par. (b), if a relative who is granted visitation rights  
8 with a child under sub. (1) is convicted under s. 940.01 of the first-degree intentional  
9 homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of a parent of  
10 the child, and the conviction has not been reversed, set aside or vacated, the court  
11 shall issue an order prohibiting the relative from having visitation with the child on  
12 petition of the child or the parent, guardian or legal custodian of the child, or on the  
13 court's own motion, and on notice to the relative.”.

14 **11.** Page 8, line 4: delete “Paragraph (a) does” and substitute “Paragraphs (a)  
15 and (am) do”.

16 **12.** Page 8, line 21: after that line insert:

17 “**SECTION 16m.** 767.245 (6) of the statutes is created to read:

18 767.245 (6) (a) If a person granted visitation rights with a child under this  
19 section is convicted under s. 940.01 of the first-degree intentional homicide, or under  
20 s. 940.05 of the 2nd-degree intentional homicide, of a parent of the child, and the  
21 conviction has not been reversed, set aside or vacated, the court shall modify the  
22 visitation order by denying visitation with the child upon petition, motion or order  
23 to show cause by a parent or guardian of the child, or upon the court's own motion,  
24 and upon notice to the person granted visitation rights.

1 (b) Paragraph (a) does not apply if the court determines that the child desires  
2 to have visitation with the person and is sufficiently mature to make such a decision  
3 and that the visitation would be in the best interests of the child.”.

4 **13.** Page 10, line 17: after that line insert:

5 “SECTION 20m. 880.155 (4m) of the statutes is created to read:

6 880.155 (4m) (a) If a grandparent or stepparent granted visitation privileges  
7 with respect to a child under this section is convicted under s. 940.01 of the  
8 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional  
9 homicide, of a parent of the child, and the conviction has not been reversed, set aside  
10 or vacated, the court shall modify the visitation order by denying visitation with the  
11 child upon petition, motion or order to show cause by a person having custody of the  
12 child, or upon the court’s own motion, and upon notice to the grandparent or  
13 stepparent granted visitation privileges.

14 (b) Paragraph (a) does not apply if the court determines that the child desires  
15 to have visitation with the grandparent or stepparent and is sufficiently mature to  
16 make such a decision and that the visitation would be in the best interests of the  
17 child.”.

18 **14.** Page 13, line 3: after that line insert:

19 “1m. Except as provided in subd. 2., if a parent who is granted visitation rights  
20 with a juvenile under par. (a) is convicted under s. 940.01 of the first-degree  
21 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of  
22 the juvenile’s other parent, and the conviction has not been reversed, set aside or  
23 vacated, the court shall issue an order prohibiting the parent from having visitation  
24 with the juvenile on petition of the juvenile, the guardian or legal custodian of the

1 juvenile, a person or agency bound by the dispositional order or the district attorney  
2 or corporation counsel of the county in which the dispositional order was entered, or  
3 on the court's own motion, and on notice to the parent.”.

4 **15.** Page 13, line 4: delete “Subdivision 1. does” and substitute “Subdivisions  
5 1. and 1m. do”.

6 **16.** Page 13, line 12: after that line insert:

7 “(am) Except as provided in par (b), if a parent in whose home a juvenile is  
8 placed is convicted under s. 940.01 of the first-degree intentional homicide, or under  
9 s. 940.05 of the 2nd-degree intentional homicide, of the juvenile's other parent, and  
10 the conviction has not been reversed, set aside or vacated, the court shall change the  
11 juvenile's placement to a placement out of the home of the parent on petition of the  
12 juvenile, the guardian or legal custodian of the juvenile, a person or agency bound  
13 by the dispositional order or the district attorney or corporation counsel of the county  
14 in which the dispositional order was entered, or on the court's own motion, and on  
15 notice to the parent.”.

16 **17.** Page 13, line 13: delete “Paragraph (a) does” and substitute “Paragraphs  
17 (a) and (am) do”.

18 **18.** Page 13, line 17: delete lines 17 to 24 and substitute:

19 “(1) This act first applies to orders for visitation or physical placement, and to  
20 orders modifying or revising visitation or physical placement orders, that are  
21 granted on the effective date of this subsection; to petitions to restrain and enjoin  
22 visitation and contact with a child that are filed on the effective date of this  
23 subsection; and to orders of the juvenile court placing a child in or removing a child  
24 from the home of a parent, guardian or relative or granting or prohibiting parental



1 visitation granted on the effective date of this subsection; regardless of when the  
2 conviction of first-degree or 2nd-degree intentional homicide occurred.”

3 (END)