

1999 ASSEMBLY BILL 524

October 12, 1999 – Introduced by Representatives STASKUNAS, LADWIG, BLACK, MUSSER, SYKORA, KREUSER, GOETSCH, PLOUFF, NASS, PLALE, COLON, WASSERMAN and MILLER, cosponsored by Senators DARLING and BAUMGART. Referred to Committee on Family Law.

1 **AN ACT to renumber and amend** 767.115 (2); **to amend** 767.07 (1), 767.115 (1)
2 (a) and 767.115 (1m); and **to create** 767.115 (1) (am) and 767.115 (2) (b) of the
3 statutes; **relating to:** requiring parties to a divorce or legal separation to
4 attend parenting classes.

Analysis by the Legislative Reference Bureau

Under current law, a judge or family court commissioner may order the parties to an action affecting the family (which includes such actions as divorces, paternity actions and actions related to child support or legal custody) that involves a minor child to attend a program on the effects of a dissolution of marriage on children if the judge or family court commissioner determines that it is appropriate and in the best interest of the child. A judge or family court commissioner may order one or both parties to a paternity action to attend a program that provides training in parenting or coparenting skills if the judge or family court commissioner determines that it is appropriate and in the best interest of the child. Any program that parties are ordered to attend must be educational rather than therapeutic and may not exceed four hours in length. The parties are responsible for the cost of any program attended. The judge or family court commissioner may condition the granting of a final judgment or order in the action on attendance at the program.

This bill provides that, if the action affecting the family is a divorce or legal separation and a minor child is involved, the court or family court commissioner must order the parties to attend a program that includes instruction on the effects of divorce on a child and on how working together is in the best interest of the child.

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The bill includes exceptions: the court or family court commissioner is not required to order the parties to attend a program if the court or family court commissioner finds that attendance would cause undue hardship or finds, because of evidence of child or spousal abuse or a significant problem with alcohol or other drug abuse, that attendance would endanger the health or safety of one of the parties. Any program that the parties are ordered to attend must be at least two hours long. The court or family court commissioner is required to condition the granting of the divorce or legal separation on attendance at the program, unless the parties were not ordered to attend because of the exception for undue hardship or endangerment of the health or safety of one of the parties.

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

1 **SECTION 1.** 767.07 (1) of the statutes is amended to read:

2 767.07 (1) The requirements of this chapter as to residence and marriage
3 ~~assessment counseling the educational program under s. 767.115 (1) (am)~~ have been
4 complied with;

5 **SECTION 2.** 767.115 (1) (a) of the statutes is amended to read:

6 767.115 (1) (a) At Except as provided in par. (am), at any time during the
7 pendency of an action affecting the family in which a minor child is involved and in
8 which the court or family court commissioner determines that it is appropriate and
9 in the best interest of the child, the court or family court commissioner, on its own
10 motion, may order the parties to attend a program specified by the court or family
11 court commissioner concerning the effects on a child of a dissolution of the marriage.

12 **SECTION 3.** 767.115 (1) (am) of the statutes is created to read:

13 767.115 (1) (am) 1. Except as provided in subd. 2., in a divorce or legal
14 separation in which a minor child is involved, the court or family court commissioner
15 shall order the parties to attend a program specified by the court or family court
16 commissioner that includes instruction on the effects on a child of divorce and on how
17 working together is in the best interest of the child.

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1 2. In the discretion of the court or family court commissioner, the parties shall
2 not be required to attend a program under subd. 1. if the court or family court
3 commissioner finds that attending such a program would cause undue hardship or
4 endanger the health or safety of one of the parties. In making a determination of
5 whether attending a program under subd. 1. would endanger the health or safety of
6 one of the parties, the court or family court commissioner shall consider the
7 following:

8 a. Evidence that a party engaged in abuse, as defined in s. 813.122 (1) (a), of
9 the child, as defined in s. 48.02 (2).

10 b. Evidence of interspousal battery, as described under s. 940.19 or 940.20 (1m),
11 or domestic abuse, as defined in s. 813.12 (1) (a).

12 c. Evidence that either party has a significant problem with alcohol or other
13 drug abuse.

14 d. Any other evidence indicating that a party's health or safety will be
15 endangered by attending a program.

16 **SECTION 4.** 767.115 (1m) of the statutes is amended to read:

17 767.115 **(1m)** A program under sub. (1) shall be educational rather than
18 therapeutic in nature and may not exceed a total of 4 hours in length, but a program
19 under sub. (1) (am) shall be at least 2 hours long. The parties shall be responsible
20 for the cost, if any, of attendance at the program. The court or family court
21 commissioner may specifically assign responsibility for payment of any cost. No facts
22 or information obtained in the course of the program, and no report resulting from
23 the program, is admissible in any action or proceeding.

24 **SECTION 5.** 767.115 (2) of the statutes is renumbered 767.115 (2) (a) and
25 amended to read:

