

1999 DRAFTING REQUEST

Bill

Received: 06/02/1999

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. - divorce

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Requiring marital counseling to get 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 06/03/1999	jgeller 06/11/1999		_____			
/1			jfrantze 06/11/1999	_____	lrb_docadmin 06/11/1999	lrb_docadmin 08/10/1999	

FE Sent For:

<END>

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1?	kahlepj	11/6/11 JG	7/6/11	J. KSK 6/11			

FE Sent For:

<END>

Kahler, Pam

From: Ramirez, Adrienne
Sent: Wednesday, June 02, 1999 11:54 AM
To: Kahler, Pam
Subject: Bill drafting request

Pamela -

In March you drafted two amendments to AB 83 for Representative Staskunas that he would now like to have drafted as two independent bill drafts.

The first is LRBa0150, which relates to premarital counseling requirements. It can be drafted in its current form.

The second is LRBa0152, which relates to post-marital counseling. However, Tony would like an additional exemption in this legislation for people under 767.11 (8)(b) items 1 through 4. He doesn't want to require counseling in cases of child or spousal abuse.

Please feel free to contact me if you have questions regarding either one of these drafting requests.

Thank you for your help.

Adrienne
Office of Rep. Staskunas
6-0620



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3162/1

PJK.....

JLg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

parent

1 AN ACT [✓] relating to: requiring parties to a divorce or legal separation to attend
2 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. 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) ^X 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 History: 1971 c. 220; 1977 c. 105; 1979 c. 32 ss. 50, 92 (4); Stats. 1979 c. 767.07; 1987 a. 355; 1989 a. 132.

(END)





Page 3

**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 divorcing couples to
- 3 attend parenting classes".
- 4 **2.** Page 10, line 4: delete "~~and~~" and substitute "and".
- 5 **3.** Page 10, line 5: after "~~counseling~~" insert "the educational program under
- 6 s. 767.115 (1) (am)".
- 7 **4.** Page 12, line 3: after that line insert:

8 **SECTION 12d.** 767.115 (1) (a) of the statutes is amended to read:

9 767.115 (1) (a) At Except as provided in par. (am), at any time during the
10 pendency of an action affecting the family in which a minor child is involved and in
11 which the court or family court commissioner determines that it is appropriate and
12 in the best interest of the child, the court or family court commissioner, on its own

(over)

#1. Except as provided in subd. 2, in

1 motion, may order the parties to attend a program specified by the court or family
2 court commissioner concerning the effects on a child of a dissolution of the marriage.

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

4 767.115 (1) (am) ~~is~~ a divorce *or legal separation* in which a minor child is involved, the court or
5 family court commissioner shall order the parties to attend a program specified by
6 the court or family court commissioner that includes instruction on the effects on a
7 child of divorce and on how working together is in the best interest of the child.

8 SECTION ~~12h~~. 767.115 (1m) of the statutes is amended to read:

9 767.115 (1m) A program under sub. (1) shall be educational rather than
10 therapeutic in nature and may not exceed a total of 4 hours in length, but a program
11 under sub. (1) (am) shall be at least 2 hours long. The parties shall be responsible
12 for the cost, if any, of attendance at the program. The court or family court
13 commissioner may specifically assign responsibility for payment of any cost. No facts
14 or information obtained in the course of the program, and no report resulting from
15 the program, is admissible in any action or proceeding.

16 SECTION 12j. 767.115 (2) of the statutes is amended to read:

17 767.115 (2) ~~Notwithstanding s. 767.07, the~~ The court or family court
18 commissioner may require the parties to attend a program under sub. (1) as a
19 condition to the granting of a final judgment or order in the action affecting the
20 family that is pending before the court or family court commissioner, except that the
21 court or family court commissioner shall require the parties to a divorce to attend a
22 program under sub. (1) (am) as a condition to the granting of the judgment of
23 divorce.

24 5. Page 13, line 13: after that line insert:

Insert 2-7

Insert 2-24

^e #
SECTION ~~100~~. Initial applicability.

- 1
- 2
- 3
- 4
- 5
- 6
- 7

Fix component

(1) REQUIREMENT TO ATTEND EDUCATIONAL PROGRAM. ~~The treatment of sections~~
~~767.115 (1) (a) and (am), (1m) and (2) of the statutes and the renumbering and~~
~~amendment of section 767.07 of the statutes (with respect to requiring attendance~~
~~at an educational program) first apply to divorce actions commenced on the effective~~
 date of this subsection. ^e

This act
 →
 applies

(END)

or legal separation

D-note
 ↓

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3162/?ins
PJK.....

INSERT 2-7

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

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

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

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

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

(END OF INSERT 2-7)

INSERT 2-24

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

767.115 (2) (a) ~~Notwithstanding s. 767.07~~ Except as provided in par. (b), [✓]the court or family court commissioner may require the parties to attend a program under sub. (1) as a condition to the granting of a final judgment or order in the action affecting the family that is pending before the court or family court commissioner.



Ins. 2-24 contd

SECTION 2. 767.115 (2) (b) ^X of the statutes is created to read:

767.115 (2) (b) 1. Except as provided in subd. 2. [✓] the court or family court commissioner shall require the parties to a divorce or legal separation in which a minor child is involved to attend a program under sub. (1) (am) 1. [✓] as a condition to the granting of the judgment of divorce or legal separation.

2. If the parties to a divorce or legal separation were not ordered to attend a program under sub. (1) (am) 1. because the court or family court commissioner found under sub. (1) (am) 2. [✓] that attending would cause undue hardship or endanger the health or safety of one of the parties, the court or family court commissioner may not condition the granting of the judgment of divorce or legal separation on attending a program.

(END OF INSERT 2-24)

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

LRB-3162/7dn
PJK.....



1. I required that the court or family court commissioner order attendance at a program if the action is one for divorce or legal separation (the amendment applied only to divorces). Let me know if you want the requirement to apply strictly to divorces only.
2. For the exception, I included undue hardship, which is included in the exception to the mediation requirement under s. 767.11 (8) (b). Let me know if you want the exception to include only endangering the health or safety of one of the parties.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: Pam.Kahler@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3162/1dn
PJK:jljgjf

June 11, 1999

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Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: Pam.Kahler@legis.state.wi.us

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 6/11/99

To: Representative Staskunas

Relating to LRB drafting number: LRB-3162

Topic

Requiring marital counseling to get a divorce

Subject(s)

Dom. Rel. - divorce

1. **JACKET** the draft for introduction _____

in the Senate _____ or the Assembly (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Pamela J. Kahler, Senior Legislative Attorney
Telephone: (608) 266-2682