

1999 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB524)

Received: 03/08/2000

Received By: kahlepj

Wanted: Soon

Identical to LRB:

For: Tony Staskunas (608) 266-0620

By/Representing: Laura Rose

This file may be shown to any legislator: NO

Drafter: kahlepj

May Contact:

Alt. Drafters:

Subject: Dom. Rel. - divorce
 Dom. Rel. - paternity
 Dom. Rel. - miscellaneous

Extra Copies: Laura Rose, Leg. Council

Pre Topic:

No specific pre topic given

Topic:

Requiring parenting classes in divorce and legal separation actions

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 03/09/2000	gilfokm 03/09/2000		_____			
/P1	kahlepj 03/13/2000	gilfokm 03/13/2000	jfrantze 03/09/2000	_____	lrb_docadmin 03/09/2000		
/1			hhagen 03/13/2000	_____	lrb_docadmin 03/14/2000	lrb_docadmin 03/14/2000	

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Table with columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. Contains draft history for kahlepj and jfrantze.

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<END>

10

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1?	kahlepj	1/1-3-9-2000 King	3/9	_____	_____		
		XXXX NOTES					

FE Sent For:

<END>

10

Laura Rose 3-8-00
sub for staskunas to AB 524

combine new (4) in budget w/ current law
and AB 524

note (4)(c)2, applicable to all (indigent)

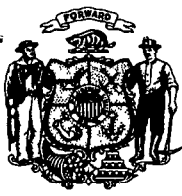
keep (1)(am) as a requirement - get rid
of (4) by itself

add extra topics from (4) to (1)(am)
and (1)(b)

keep (1)(am) and (1)(b) conditional

add to (1)(am) and (1)(b), ability to
refuse to hear motion
(from (4))

10



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.

ASSEMBLY BILL 524

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.

ASSEMBLY BILL 524

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:

physical placement. If the parties return to mediation, the county shall collect any applicable fee under s. 814.615.

SECTION 3054ce. 767.115 (title) of the statutes is amended to read:

767.115 (title) Educational program in action programs and classes in actions affecting the family.

SECTION 3054cf. 767.115 (4) of the statutes is created to read:

767.115 (4) (a) At any time during the pendency of a divorce or paternity action, the court or family court commissioner may order the parties to attend a class that is approved by the court or family court commissioner and that addresses such issues as child development, family dynamics, how parental separation affects a child's development and what parents can do to make raising a child in a separated situation less stressful for the child.

(b) The court or family court commissioner may not require the parties to attend a class under this subsection as a condition to the granting of the final judgment or order in the divorce or paternity action, however, the court or family court commissioner may refuse to hear a custody or physical placement motion of a party who refuses to attend a class ordered under this subsection.

(c) 1. Except as provided in subd. 2., the parties shall be responsible for any cost of attending the class.

2. If the court or family court commissioner finds that a party is indigent, any costs that would be the responsibility of that party shall be paid by the county.

SECTION 3054cg. 767.23 (1) (a) of the statutes is amended to read:

767.23 (1) (a) Upon Subject to s. 767.477, upon request of one party, granting legal custody of the minor children to the parties jointly, to one party solely or to a relative or agency specified under s. 767.24 (3). ~~The, in a manner consistent with s. 767.24, except that the court or family court commissioner may order joint sole legal custody without the agreement of the other party and without the findings required under s. 767.24 (2) (b) 2.~~ This order may not have a binding effect on a final custody determination.

SECTION 3054ch. 767.23 (1) (am) of the statutes is amended to read:

767.23 (1) (am) Upon Subject to s. 767.477, upon the request of a party, granting periods of physical placement to a party in a manner consistent with s. 767.24. The court or family court commissioner shall make a determination under this paragraph within 30 days after the request for a temporary order regarding periods of physical placement is filed.

SECTION 3054ci. 767.23 (1) (c) of the statutes is amended to read:

767.23 (1) (c) Requiring Subject to s. 767.477, requiring either party or both parties to make payments for the support of minor children, which payment amounts may be expressed as a percentage of parental income or as a fixed sum, or as a combination of both in

the alternative by requiring payment of the greater or lesser of either a percentage of parental income or a fixed sum.

SECTION 3054cj. 767.23 (1) (k) of the statutes is amended to read:

767.23 (1) (k) Requiring Subject to s. 767.477, requiring either party or both parties to maintain minor children as beneficiaries on a health insurance policy or plan.

SECTION 3054ck. 767.23 (1n) of the statutes is amended to read:

767.23 (1n) Before making any temporary order under sub. (1), the court or family court commissioner shall consider those factors which that the court is required by this chapter to consider before entering a final judgment on the same subject matter. In making a determination under sub. (1) (a) or (am), the court or family court commissioner shall consider the factors under s. 767.24 (5). If the court or family court commissioner makes a temporary child support order that deviates from the amount of support that would be required by using the percentage standard established by the department under s. 49.22 (9), the court or family court commissioner shall comply with the requirements of s. 767.25 (1n). A temporary order under sub. (1) may be based upon the written stipulation of the parties, subject to the approval of the court or the family court commissioner. Temporary orders made by the family court commissioner may be reviewed by the court as provided in s. 767.13 (6).

SECTION 3054cl. 767.24 (1) of the statutes is amended to read:

767.24 (1) GENERAL PROVISIONS. In rendering a judgment of annulment, divorce or legal separation or paternity, or in rendering a judgment in an action under s. 767.02 (1) (e) or 767.62 (3), the court shall make such provisions as it deems just and reasonable concerning the legal custody and physical placement of any minor child of the parties, as provided in this section.

SECTION 3054cm. 767.24 (1m) of the statutes is created to read:

767.24 (1m) PARENTING PLAN. In an action for annulment, divorce or legal separation, an action to determine paternity or an action under s. 767.02 (1) (e) or 767.62 (3) in which legal custody or physical placement is contested, a party seeking sole or joint legal custody or periods of physical placement shall file a parenting plan with the court before any pretrial conference. Except for cause shown, a party required to file a parenting plan under this subsection who does not timely file a parenting plan waives the right to object to the other party's parenting plan. A parenting plan shall provide information about the following questions:

(a) What legal custody or physical placement the parent is seeking.

(b) Where the parent lives currently and where the parent intends to live during the next 2 years. If there is

Vetoed
In Part

Vetoed
In Part



PI
mg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT,
TO 1999 ASSEMBLY BILL 524

Friday
at latest

gen cat

1 AN ACT relating to: requiring parties to a divorce or legal separation to attend
2 parenting classes.

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

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

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

7 SECTION 2. 767.115 (title) of the statutes, as affected by 1999 Wisconsin Act 9,
8 is amended to read:

9 767.115 (title) Educational programs ~~and classes~~ in actions affecting
10 the family.

1 **SECTION 3.** 767.115 (1) (a) of the statutes is amended to read:

2 767.115 (1) (a) ~~At~~ Except as provided in par. (am), at any time during the
3 pendency of an action affecting the family in which a minor child is involved and in
4 which the court or family court commissioner determines that it is appropriate and
5 in the best interest of the child, the court or family court commissioner, on its own
6 motion, may order the parties to attend a program specified by the court or family
7 court commissioner concerning the effects on a child of a dissolution of the marriage.

8 **SECTION 4.** 767.115 (1) (am) of the statutes is created to read:

9 767.115 (1) (am) 1. Except as provided in subd. 2., in a divorce or legal
10 separation in which a minor child is involved, the court or family court commissioner
11 shall order the parties to attend a program specified by the court or family court
12 commissioner that includes instruction on such issues as child development; family
13 dynamics; the effects on a child of divorce, including how parental separation affects
14 a child's development; how working together is in the best interest of the child; and
15 what parents can do to make raising a child in a separated situation less stressful
16 for the child.

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

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

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

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

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

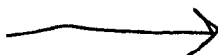
7 SECTION 5. 767.115 (1) (b) of the statutes is amended to read:

8 767.115 (1) (b) At any time during the pendency of an action to determine the
9 paternity of a child, or an action affecting the family for which the underlying action
10 was an action to determine the paternity of a child, if the court or family court
11 commissioner determines that it is appropriate and in the best interest of the child,
12 the court or family court commissioner, on its own motion, may order either or both
13 of the parties to attend a program specified by the court or family court commissioner
14 providing that provides training in parenting or coparenting skills, or both, and that
15 includes instruction on such issues as child development; family dynamics; how
16 parental separation affects a child's development; how working together is in the best
17 interest of the child; and what parents can do to make raising a child in a separated
18 situation less stressful for the child.

interpreted as implying

History: 1993 a. 225; 1997 a. 45; 1999 a. 9.

****NOTE: I included all relevant issues that were included in s. 767.115 (1) (am)
1. so that the absence of any would not be ~~regretted~~ that that issue should not be
taught in the program under this paragraph. ✓ ✓



19 SECTION 6. 767.115 (1m) of the statutes is renumbered 767.115 (1m) (a) and
20 amended to read:

✓ 21 767.115 (1m) (a) A program under sub. (1) shall be educational rather than
22 therapeutic in nature and may not exceed a total of 4 hours in length. The, but a
23 program under sub. (1) (am) shall be at least 2 hours long. Except as provided in par. ✓

1 (b), the parties shall be responsible for the cost, if any, of attendance at the program.
2 The court or family court commissioner may specifically assign responsibility for
3 payment of any cost, subject to par. (b). No facts or information obtained in the course
4 of the program, and no report resulting from the program, is admissible in any action
5 or proceeding.

History: 1993 a. 225; 1997 a. 45; 1999 a. 9.

6 **SECTION 7.** 767.115 (1m) (b) of the statutes is created to read:

7 767.115 (1m) (b) If the court or family court commissioner finds that a party
8 is indigent, any costs that would be the responsibility of that party shall be paid by
9 the county.

10 **SECTION 8.** 767.115 (2) of the statutes is renumbered 767.115 (2) (a) and
11 amended to read:

12 767.115 (2) (a) ~~Notwithstanding s. 767.07~~ Except as provided in par. (b), the
13 court or family court commissioner may require the parties to attend a program
14 under sub. (1) as a condition to the granting of a final judgment or order in the action
15 affecting the family that is pending before the court or family court commissioner.

16 **SECTION 9.** 767.115 (2) (b) of the statutes is created to read:

17 767.115 (2) (b) 1. Except as provided in subd. 2., the court or family court
18 commissioner shall require the parties to a divorce or legal separation in which a
19 minor child is involved to attend a program under sub. (1) (am) 1. as a condition to
20 the granting of the judgment of divorce or legal separation.

21 2. If the parties to a divorce or legal separation were not ordered to attend a
22 program under sub. (1) (am) 1. because the court or family court commissioner found
23 under sub. (1) (am) 2. that attending would cause undue hardship or endanger the
24 health or safety of one of the parties, the court or family court commissioner may not

1 condition the granting of the judgment of divorce or legal separation on attending a
2 program.

3 SECTION 10. 767.115 (2) (c) of the statutes is created to read:

4 767.115 (2) (c) The court or family court commissioner may refuse to hear a
5 custody or physical placement motion of a party who refuses to attend a program
6 ordered under sub. (1).

7 SECTION 11. ~~767.115~~ ^{767.115} (4) of the statutes, as created by 1999 Wisconsin Act 9, is
8 repealed.

9 SECTION 12. Initial applicability.

10 (1) REQUIREMENT TO ATTEND EDUCATIONAL PROGRAM. This act first applies to
11 ~~divorce or legal separation~~ actions commenced on the effective date of this
12 subsection.

13 SECTION 13. Effective dates. This act takes effect on the day after publication,
14 except as follows:

15 (1) The treatment of section 767.115 ^{(title) and} (4) of the statutes takes effect on May 1,
16 2000, or on the day after publication, whichever is later.

17 (END)

cases under sub. (1).

***** NOTE: I made this apply in all possible
In s. 767.115(4) in the budget, it applied to
only divorce and paternity actions. Let me
know if you want any changes.*

Laura Rose

3-13-00

redraft of s0392/A1

combine all into one program -
from ~~of~~ actions affecting
the family

in issue: include parenting / co parenting,
current law & what was in
original bill - whatever
is appropriate in the situation
make program mandatory & condition
final judgment on attendance

include exception for all

allow assignment of resp. for fees
(leave out indigency exception!)

require at least 4 hours of instruction

allow it to refuse to hear motion if
party refuses to attend

hearing is at 9:00 am tomorrow



run not run

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY SUBSTITUTE AMENDMENT,

TO 1999 ASSEMBLY BILL 524

needed by 8:00 am tomorrow (Tues)

an educational

reorganize

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

an action affecting the family

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

6 SECTION 1. 767.07 (1) of the statutes is amended to read:
7 767.07 (1) The requirements of this chapter as to residence and marriage
8 ~~assessment counseling~~ the educational program under s. 767.115 (1) ~~(am)~~ ^a have been
9 complied with;

10 SECTION 2. 767.115 (title) of the statutes, as affected by 1999 Wisconsin Act 9,
11 is amended to read:

attendance at

program



1 **767.115 (title) Educational ~~programs and classes~~ in actions affecting**
2 **the family.**

3 **SECTION 3.** 767.115 (1) (a) of the statutes is amended to read:

4 767.115 (1) (a) ~~At~~ Except as provided in par. (am), at any time during the
5 pendency of an action affecting the family in which a minor child is involved and in
6 which the court or family court commissioner determines that it is appropriate and
7 in the best interest of the child, the court or family court commissioner, on its own
8 motion, may order the parties to attend a program specified by the court or family
9 court commissioner concerning the effects on a child of a dissolution of the marriage.

10 **SECTION 4.** 767.115 (1) (am) of the statutes is created to read:

11 767.115 (1) (am) 1. Except as provided in subd. 2., in a divorce or legal
12 separation in which a minor child is involved, the court or family court commissioner
13 shall order the parties to attend a program specified by the court or family court
14 commissioner that includes instruction on such issues as child development; family
15 dynamics; the effects on a child of divorce, including how parental separation affects
16 a child's development; how working together is in the best interest of the child; and
17 what parents can do to make raising a child in a separated situation less stressful
18 for the child.

Insert 2-18

→ 767.115 (1) (b)(m)

19 ~~§~~ In the discretion of the court or family court commissioner, the parties shall
20 not be required to attend a program under ~~subd. 1~~ ^{par. (a)} if the court or family court
21 commissioner finds that attending such a program would cause undue hardship or
22 endanger the health or safety of one of the parties. In making a determination of
23 whether attending a program under ~~subd. 1~~ ^{par. (a)} would endanger the health or safety of
24 one of the parties, the court or family court commissioner shall consider the
25 following:

- 1 Evidence that a party engaged in abuse, as defined in s. 813.122 (1) (a), of
2 the child, as defined in s. 48.02 (2).
- 3 Evidence of interspousal battery, as described under s. 940.19 or 940.20 (1m),
4 or domestic abuse, as defined in s. 813.12 (1) (a).
- 5 Evidence that either party has a significant problem with alcohol or other
6 drug abuse.
- 7 Any other evidence indicating that a party's health or safety will be
8 endangered by attending a program.

9 SECTION 5. 767.115 (1) (b) of the statutes is amended to read:

10 767.115 (1) (b) At any time during the pendency of an action to determine the
11 paternity of a child, or an action affecting the family for which the underlying action
12 was an action to determine the paternity of a child, if the court or family court
13 commissioner determines that it is appropriate and in the best interest of the child,
14 the court or family court commissioner, on its own motion, may order either or both
15 of the parties to attend a program specified by the court or family court commissioner
16 providing that provides training in parenting or coparenting skills, or both, and that
17 includes instruction on such issues as child development; family dynamics; how
18 parental separation affects a child's development; how working together is in the best
19 interest of the child; and what parents can do to make raising a child in a separated
20 situation less stressful for the child.

****NOTE: I included all relevant issues that were included in s. 767.115 (1) (am)
1. so that the absence of any would not be interpreted as implying that that issue should
not be taught in the program under this paragraph.

21 SECTION 6. 767.115 (1m) of the statutes is renumbered 767.115 (1m) (a) and
22 amended to read:

Insert 4-12

1 767.115 (1m) (a) A program under sub. (1) shall be educational rather than
 2 therapeutic in nature and may not exceed a total of 4 hours in length. ~~The, but a~~
 3 ~~program under sub. (1) (am) shall be at least 2 hours long. Except as provided in par.~~
 4 ~~(b), the parties shall be responsible for the cost, if any, of attendance at the program.~~
 5 The court or family court commissioner may specifically assign responsibility for
 6 payment of any cost, ~~subject to par. (b).~~ No facts or information obtained in the course
 7 of the program, and no report resulting from the program, is admissible in any action
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9 SECTION 7. 767.115 (1m) (b) of the statutes is created to read:

10 767.115 (1m) (b) If the court or family court commissioner finds that a party
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13 SECTION 8. 767.115 (2) of the statutes is renumbered 767.115 (2) (a) and
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15 767.115 (2) (a) ~~Notwithstanding s. 767.07~~ Except as provided in par. (b), the
 16 court or family court commissioner may require the parties to attend a program
 17 under sub. (1) ^(a) as a condition to the granting of a final judgment or order in the action
 18 affecting the family ~~that is pending before the court or family court commissioner.~~

19 SECTION 9. 767.115 (2) (b) of the statutes is created to read:

20 767.115 (2) (b) 1. Except as provided in subd. 2., the court or family court
 21 commissioner shall require the parties to a divorce or legal separation in which a
 22 minor child is involved to attend a program under sub. (1) (am) 1. as a condition to
 23 the granting of the judgment of divorce or legal separation.

24 (b) If the parties ~~in a divorce or legal separation~~ were not ordered to attend a
 25 program under sub. (1) ~~am) 1.~~ because the court or family court commissioner found

767.115 (2)

(a)

To an action affecting the family in which a minor child is involved

(bm) ✓
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under sub. (1) ~~and~~ 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 ^{final} ~~of divorce or legal separation~~ on attending a program.

SECTION 10. 767.115 (2) (c) of the statutes is created to read:

767.115 (2) (c) The court or family court commissioner may refuse to hear a custody or physical placement motion of a party who refuses to attend a program ordered under sub. (1). ^{(a) ✓}

Insert 5-8 ✓

****NOTE: I made this apply in all possible cases under sub. (1). In s. 767.115 (4) in the budget, it applied to only divorce and paternity actions. Let me know if you want any changes.

SECTION 11. 767.115 (4) of the statutes, as created by 1999 Wisconsin Act 9, is repealed.

SECTION 12. Initial applicability.

(1) REQUIREMENT TO ATTEND EDUCATIONAL PROGRAM. This act first applies to actions commenced on the effective date of this subsection.

SECTION 13. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 767.115 (title) and (4) of the statutes takes effect on May 1, 2000, or on the day after publication, whichever is later.

(END)

or order in the action affecting the family

D. note

10



1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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INSERT 2-18

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

3 767.115 (1) (a) (intro.) ~~At any time during~~ During the pendency of an action
4 affecting the family in which a minor child is involved ~~and in which the court or~~
5 ~~family court commissioner determines that it is appropriate and in the best interest~~
6 ~~of the child, the court or family court commissioner, on its own motion, may shall~~
7 order the parties to attend a program specified by the court or family court
8 commissioner ~~concerning the effects on a child of a dissolution of the marriage, that~~
9 provides instruction on or training in any of the following that the court or family
10 court commissioner determines is appropriate in the particular case:

11 ~~NOTE: Section 767.115 (title) is shown as amended off. 5-1-00 by 1999 Wis. Act 9. Prior to 5-1-00 it reads:~~
~~NOTE: 767.115 (title) Educational program in action affecting the family.~~
History: 1993 a. 225; 1997 a. 45; 1999 a. 9.

12 SECTION 2. 767.115 (1) (a) 1. of the statutes is created to read:

13 767.115 (1) (a) 1. The effects on a child of divorce.

14 SECTION 3. 767.115 (1) (a) 2. of the statutes is created to read:

15 767.115 (1) (a) 2. Working together in the best interest of the child.

16 SECTION 4. 767.115 (1) (a) 3. of the statutes is created to read:

17 767.115 (1) (a) 3. Parenting or coparenting skills, [✓] or both.

18 SECTION 5. 767.115 (1) (b) of the statutes is repealed.

19 SECTION 6. 767.115 (1) (bm) of the statutes is created to read:

(END OF INSERT 2-18)

INSERT 4-12

20 SECTION 7. 767.115 (1m) of the statutes is amended to read:

1 767.115 (1m) A program under sub. (1) (a) shall be educational rather than
 2 therapeutic in nature and ~~may not exceed a total of~~ shall include at least 4 hours in
 3 ~~length of instruction or training~~. The parties shall be responsible for the cost, if any,
 4 of attendance at the program. The court or family court commissioner may
 5 specifically assign responsibility for payment of any cost. No facts or information
 6 obtained in the course of the program, and no report resulting from the program, is
 7 admissible in any action or proceeding.

History: 1993 a. 225; 1997 a. 45; 1999 a. 9.

(END OF INSERT 4-12)

INSERT 5-8

8 **SECTION 8.** 767.115 (3) of the statutes is amended to read:

9 767.115 (3) A party who fails to attend a program ordered under sub. (1) (a) or
 10 to pay costs specifically ordered under sub. (1m) may be proceeded against under ch.
 11 785 for contempt of court.

History: 1993 a. 225; 1997 a. 45; 1999 a. 9.

(END OF INSERT 5-8)

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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It is possible that a party might refuse to attend the educational program just so that a final divorce is not granted. For that reason, you may want to make conditioning the final judgment generally discretionary, as in current law, or discretionary if the court or family court commissioner determines that a party is refusing to attend for the purpose of delaying or preventing the final judgment.

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0392/1dn
PJK:kmg:hmh

March 13, 2000

It is possible that a party might refuse to attend the educational program just so that a final divorce is not granted. For that reason, you may want to make conditioning the final judgment generally discretionary, as in current law, or discretionary if the court or family court commissioner determines that a party is refusing to attend for the purpose of delaying or preventing the final judgment.

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