

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB524)

Received: 03/22/2000

Received By: kahlepj

Wanted: Today

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. - miscellaneous
Dom. Rel. - cust. and plac.

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Requiring a court to condition granting final judgment on attendance at program unless nonattendance is for delay or to prevent final judgment

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 03/22/2000	csicilia 03/22/2000		_____			
/1			martykr 03/22/2000	_____	lrb_docadmin 03/22/2000	lrb_docadmin 03/22/2000	

FE Sent For:

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1?	kahlepj	1 cjs 3/22/00	sm/22	Delif 3/22			

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3-22

Adrienne

- Stokunas

amendment to AB524

change "may" to "shall" for
judgment on
conditioning attendance

allow granting of judgment
if party refuses to attend to
delay or prevent final
judgment

(see D-note to 50392/1)

State of Wisconsin
Circuit Court for Milwaukee County -- 1st Judicial Dist

Post-It® Fax Note	7671	Date	3/22	# of pages	2
To	Pam Kahler	From	Adrienne		
Co./Dept.	LRB	Co.	Rep. Staskunas		
Phone #		Phone #	6-0620		
Fax #	4-6948	Fax #			

ADMINISTRATIVE ORDER FAMILY 97 - 02

WHEREAS: In all actions affecting the family where there are minor children of the parties, the conduct of the parties in such actions has a profound effect on the emotional well-being of those children, and

WHEREAS: Section 767.115, Wis.Stats., provides discretionary power to a judge or family court commissioner, in actions affecting the family, to order the parties to a parent education program of not more than a total of 4 hours in length, concerning the effect on a child/children of a dissolution of the marriage, and

WHEREAS: There are now available some excellent quality programs of parental education concerning the effects of divorce on children, and there is substantial statistical data showing that such programs are effective in reducing tensions and in aiding settlements surrounding issues relating to minor children, and that they are even more effective if introduced early in the case process, even before mediation is attempted, and if they are required of all parties, and

WHEREAS: The Family Division has had a limited program of parent education in place since January 1, 1995 by order dated November 16, 1994, by Presiding Judge Dominic S. Amato, and the present Family Division judges believe it to be in the best interests of the parties in actions affecting the family, their minor children, and the general public, that the program be expanded and made part of the preliminary procedure of any divorce or legal separation action; and participants in such programs have overwhelmingly indicated that such programs were helpful to them, even in cases where the parties thought they had all custody/placement issues resolved,

NOW, THEREFORE, IT IS ORDERED THAT:

In all actions affecting the family filed in Milwaukee County from May 1, 1997, forward, where there are minor children of the parties, the parties shall attend an approved parent education program as a prerequisite to all further proceedings in said case except the temporary hearing. If the parties have not attended such a program prior to the first hearing, the Family Court Commissioner at such hearing shall order the parties to attend. If the matter is not scheduled before the Family Court Commissioner for a temporary hearing, the parties shall, within 30 days of service on the respondent (or within 30 days of the filing of a joint petition), schedule their attendance at a program which has been approved by the Family Division. In the event one party refuses to attend such program, the party seeking the divorce or legal separation shall still attend such program. The case shall not be scheduled for any further Court or mediation proceedings until at least one party attends such a program. Failure or refusal to attend on the

part of either party shall be noted and made part of the Court record of the proceedings and could result in the Court imposing sanctions for such non-attendance up to and including dismissal of the action or counterclaim.

IT IS FURTHER ORDERED THAT:

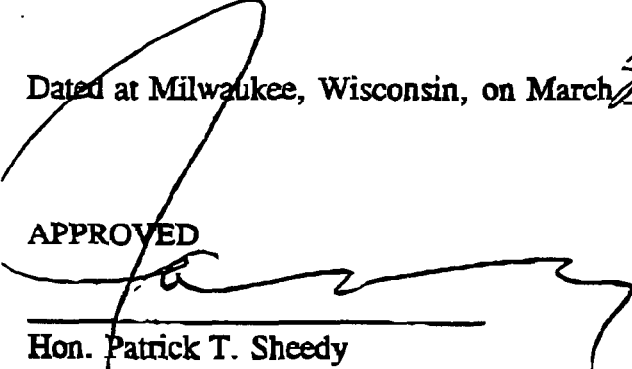
The director of Family Court Counseling Service and the Family Court Commissioner shall, in consultation with the judges of the Family Division, review and approve one or more programs of parent education for use in the Family Division. Furthermore, they shall, from time to time, make and publish such rules and procedures which are deemed by them to be necessary and/or practical for the orderly administration of such program. The Director of FCCS shall be responsible for the retaining of independent contractors to provide these programs.

Additionally, as was previously ordered, in cooperation with the agencies and entities which will provide such parent education programs, the presiding judge of the Family Division, the Family Court Commissioner and the director of FCCS shall take whatever steps are practical and appropriate to attempt to secure funding and or grants from the private and/or public sector of the community to enable those declared indigent to avail themselves of this program at reduced or no cost to them.

In all other respects, the discretionary provisions of Section 767.115, Wisconsin Statutes, shall apply, and this administrative rule shall be considered a use of the discretion so provided in that statute.

Dated at Milwaukee, Wisconsin, on March 21, 1997

APPROVED



Hon. Patrick T. Sheedy
Chief Judge, First Judicial District
Date: March 16, 1997

BY THE COURT:



Hon. Jeffrey A. Wagner
Presiding Judge, Family Division



[Handwritten signature]
ejs

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

**ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 524**

*today
(pm)*

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 3, line 22: delete "may" and substitute "may shall". ✓
- 3 **2.** Page 4, line 2: after "(b)" insert "1.". ✓
- 4 **3.** Page 4, line 6: after that line insert:
- 5 "2. If the court or family court commissioner determines that a party has failed
- 6 or refuses to attend a program under sub. (1) (a) for the purpose of delaying or
- 7 preventing the granting of a final judgment or order in the action, the court or family
- 8 court commissioner may grant a final judgment or order even though only one of the
- 9 parties has attended the program." ✓