

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

LRB-0211/1dn  
PJK:jlg:ijs

February 16, 1999

Dan:

1. As we discussed, the court has no alternative option with respect to awarding joint legal custody if the presumption under s. 767.24 (2) (c) is created and not rebutted. The court also has no alternative option with respect to awarding sole legal custody if each party wants sole custody. The court may not award joint or sole legal custody in either situation.

2. Although the e-mailed language mentioned the capability of performing parental duties and responsibilities and wishing to have an active role in raising the child, I left these out because they are not, under the bill, prerequisites to awarding joint custody. Is this okay?

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