



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1453/1
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ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 414, line 21: after that line insert:

3 "SECTION 645L. 20.921 (2) (a) of the statutes is amended to read:

4 20.921 (2) (a) Whenever it becomes necessary in pursuance of any federal or
5 state law or court-ordered assignment of income under s. 46.10 (14) (e), 301.12 (14)
6 (e), 767.23 (1) (L), 767.25 (4m) (c), or 767.265, ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~ to
7 make deductions from the salaries of state officers or employes or employes of the
8 University of Wisconsin Hospitals and Clinics Authority, the state agency or
9 authority by which the officers or employes are employed is responsible for making
10 such deductions and paying over the total thereof for the purposes provided by the
11 laws or orders under which they were made."

12 2. Page 785, line 13: after that line insert:

1 **“SECTION 1617r.** 66.184 of the statutes is amended to read:

2 **66.184 Self-insured health plans.** If a city, including a 1st class city, or a
3 village provides health care benefits under its home rule power, or if a town provides
4 health care benefits, to its officers and employes on a self-insured basis, the
5 self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
6 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5),
7 632.895 (9) to (13), 632.896, and 767.25 (4m) (d), ~~767.51 (3m) (d) and 767.62 (4) (b)~~
8 ~~4.”.~~

9 **3.** Page 1079, line 11: after that line insert:

10 **“SECTION 2002c.** 102.27 (2) (a) of the statutes, as affected by 1999 Wisconsin
11 Act (this act), is amended to read:

12 102.27 (2) (a) A benefit under this chapter is assignable under s. 46.10 (14) (e),
13 301.12 (14) (e), 767.23 (1) (L), 767.25 (4m) (c), or 767.265 (1) or (2m), ~~767.51 (3m) (e)~~
14 ~~or 767.62 (4) (b) 3.”.~~

15 **4.** Page 1121, line 18: after that line insert:

16 **“SECTION 2124r.** 120.13 (2) (g) of the statutes is amended to read:

17 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
18 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
19 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to (13), 632.896, and 767.25
20 ~~(4m) (d), 767.51 (3m) (d) and 767.62 (4) (b) 4.”.~~

21 **5.** Page 1402, line 19: after that line insert:

22 **“SECTION 3025r.** 565.30 (5m) of the statutes is amended to read:

23 **565.30 (5m) WITHHOLDING OF CHILD SUPPORT, SPOUSAL SUPPORT, MAINTENANCE OR**
24 **FAMILY SUPPORT.** The administrator shall report to the department of workforce

1 development the name, address and social security number of each winner of a
2 lottery prize that is payable in instalments. Upon receipt of the report, the
3 department of workforce development shall certify to the administrator whether any
4 payee named in the report is obligated to provide child support, spousal support,
5 maintenance or family support under s. 767.02 (1) (f) or (g), 767.10, 767.23, 767.25,
6 767.26, 767.261, 767.458 (3), 767.465 (2m), 767.477, 767.51 (3), 767.62 (4) (a) or
7 948.22 (7) or ch. 769 and the amount required to be withheld from the lottery prize
8 under s. 767.265. The administrator shall withhold the certified amount from each
9 payment made to the winner and remit the certified amount to the department of
10 workforce development.”.

11 **6.** Page 1406, line 3: after that line insert:

12 “SECTION 3044L. 632.897 (10) (a) 3. of the statutes is amended to read:

13 632.897 (10) (a) 3. The fact that the group member or insured does not claim
14 the child as an exemption for federal income tax purposes under 26 USC 151 (c) (1)
15 (B), or as an exemption for state income tax purposes under s. 71.07 (8) (b) or under
16 the laws of another state, if a court order under s. 767.25 (4m), ~~767.51 (3m) or 767.62~~
17 ~~(4) (b)~~ or the laws of another state assigns responsibility for the child’s health care
18 expenses to the group member or insured.”.

19 **7.** Page 1409, line 4: after that line insert:

20 “SECTION 3051n. 767.045 (1) (a) 2. of the statutes is amended to read:

21 767.045 (1) (a) 2. The Except as provided in par. (am), the legal custody or
22 physical placement of the child is contested.

23 SECTION 3051no. 767.045 (1) (am) of the statutes is created to read:

1 767.045 (1) (am) The court is not required to appoint a guardian ad litem under
2 par. (a) 2. if all of the following apply:

3 1. Legal custody or physical placement is contested in an action to modify legal
4 custody or physical placement under s. 767.325 or 767.327.

5 2. The modification sought would not substantially alter the amount of time
6 that a parent may spend with his or her child.

7 3. The court determines any of the following:

8 a. That the appointment of a guardian ad litem will not assist the court in the
9 determination regarding legal custody or physical placement because the facts or
10 circumstances of the case make the likely determination clear.

11 b. That a party seeks the appointment of a guardian ad litem solely for a tactical
12 purpose, or for the sole purpose of delay, and not for a purpose that is in the best
13 interest of the child.

14 **SECTION 3051p.** 767.045 (1) (e) of the statutes is created to read:

15 767.045 (1) (e) Nothing in this subsection prohibits the court from making a
16 temporary order under s. 767.23 that concerns the child before a guardian ad litem
17 is appointed or before the guardian ad litem has made a recommendation to the
18 court, if the court determines that the temporary order is in the best interest of the
19 child.

20 **SECTION 3051r.** 767.078 (1) (a) 1. of the statutes is amended to read:

21 767.078 (1) (a) 1. Is an action for modification of a child support order under
22 s. 767.32 or an action in which an order for child support is required under s. 767.25
23 (1), 767.51 (3) or 767.62 (4) ~~(a)~~.”.

24 **8.** Page 1409, line 12: after that line insert:

1 “SECTION 3054c. 767.078 (2) of the statutes is amended to read:

2 767.078 (2) Subsection (1) does not limit the authority of a court to issue an
3 order, other than an order under sub. (1), regarding employment of a parent in an
4 action for modification of a child support order under s. 767.32 or an action in which
5 an order for child support is required under s. 767.25 (1), 767.51 (3) or 767.62 (4) (a).

6 SECTION 3054cd. 767.11 (12) (b) of the statutes is amended to read:

7 767.11 (12) (b) If after mediation under this section the parties do not reach
8 agreement on legal custody or periods of physical placement, the parties or the
9 mediator shall so notify the court. The Except as provided in s. 767.045 (1) (am), the
10 court shall promptly appoint a guardian ad litem under s. 767.045. After the
11 appointment Regardless of whether the court appoints a guardian ad litem, the court
12 shall, if appropriate, refer the matter for a legal custody or physical placement study
13 under sub. (14). If the parties come to agreement on legal custody or physical
14 placement after the matter has been referred for a study, the study shall be
15 terminated. The parties may return to mediation at any time before any trial of or
16 final hearing on legal custody or periods of physical placement. If the parties return
17 to mediation, the county shall collect any applicable fee under s. 814.615.

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

19 **767.115 (title) Educational program in action programs and classes in**
20 **actions affecting the family.**

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

22 767.115 (4) (a) At any time during the pendency of a divorce or paternity action,
23 the court or family court commissioner may order the parties to attend a class that
24 is approved by the court or family court commissioner and that addresses such issues
25 as child development, family dynamics, how parental separation affects a child's

1 development and what parents can do to make raising a child in a separated
2 situation less stressful for the child.

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

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

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

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

13 767.23 (1) (a) ~~Upon~~ Subject to s. 767.477, upon request of one party, granting
14 legal custody of the minor children to the parties jointly, to one party solely or to a
15 relative or agency specified under s. 767.24 (3). ~~The, in a manner consistent with s.~~
16 ~~767.24, except that the~~ court or family court commissioner may order joint sole legal
17 custody without the agreement of the other party and without the findings required
18 under s. 767.24 (2) (b) 2. This order may not have a binding effect on a final custody
19 determination.

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

21 767.23 (1) (am) ~~Upon~~ Subject to s. 767.477, upon the request of a party,
22 granting periods of physical placement to a party in a manner consistent with s.
23 767.24. The court or family court commissioner shall make a determination under
24 this paragraph within 30 days after the request for a temporary order regarding
25 periods of physical placement is filed.

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

2 767.23 (1) (c) ~~Requiring Subject to s. 767.477, requiring~~ either party or both
3 parties to make payments for the support of minor children, which payment amounts
4 may be expressed as a percentage of parental income or as a fixed sum, or as a
5 combination of both in the alternative by requiring payment of the greater or lesser
6 of either a percentage of parental income or a fixed sum.

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

8 767.23 (1) (k) ~~Requiring Subject to s. 767.477, requiring~~ either party or both
9 parties to maintain minor children as beneficiaries on a health insurance policy or
10 plan.

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

12 767.23 (1n) Before making any temporary order under sub. (1), the court or
13 family court commissioner shall consider those factors ~~which~~ that the court is
14 required by this chapter to consider before entering a final judgment on the same
15 subject matter. In making a determination under sub. (1) (a) or (am), the court or
16 family court commissioner shall consider the factors under s. 767.24 (5). If the court
17 or family court commissioner makes a temporary child support order that deviates
18 from the amount of support that would be required by using the percentage standard
19 established by the department under s. 49.22 (9), the court or family court
20 commissioner shall comply with the requirements of s. 767.25 (1n). A temporary
21 order under sub. (1) may be based upon the written stipulation of the parties, subject
22 to the approval of the court or the family court commissioner. Temporary orders
23 made by the family court commissioner may be reviewed by the court as provided in
24 s. 767.13 (6).

25 **SECTION 3054cL.** 767.24 (1) of the statutes is amended to read:

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

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

7 767.24 (1m) PARENTING PLAN. In an action for annulment, divorce or legal
8 separation, an action to determine paternity or an action under s. 767.02 (1) (e) or
9 767.62 (3) in which legal custody or physical placement is contested, a party seeking
10 sole or joint legal custody or periods of physical placement shall file a parenting plan
11 with the court before any pretrial conference may be held. A parenting plan shall
12 provide information about the following questions:

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

14 (b) Where the parent lives currently and where the parent intends to live
15 during the next 2 years.

16 (c) Where the parent works and the hours of employment.

17 (d) Who will provide any necessary child care when the parent cannot and who
18 will pay for the child care.

19 (e) Where the child will go to school.

20 (f) What doctor or health care facility will provide medical care for the child.

21 (g) How the child's medical expenses will be paid.

22 (h) What the child's religious commitment will be, if any.

23 (i) Who will make decisions about the child's education, medical care, choice of
24 child care providers and extracurricular activities.

1 (j) How the parent proposes to resolve disagreements related to matters over
2 which the court orders joint decision making.

3 (k) What child support, family support, maintenance or other income transfer
4 there will be.

5 **SECTION 3054cn.** 767.24 (2) (a) of the statutes is amended to read:

6 767.24 (2) (a) Subject to ~~par. (b)~~ pars. (am), (b) and (c), based on the best interest
7 of the child and after considering the factors under sub. (5), the court may give joint
8 legal custody or sole legal custody of a minor child.

9 **SECTION 3054co.** 767.24 (2) (am) of the statutes is created to read:

10 767.24 (2) (am) The court shall presume that joint legal custody is in the best
11 interest of the child.

12 **SECTION 3054cp.** 767.24 (2) (b) of the statutes is amended to read:

13 767.24 (2) (b) The court may give ~~joint~~ sole legal custody only if it finds that
14 doing so is in the child's best interest and that either of the following applies:

15 1. Both parties agree to ~~joint~~ sole legal custody with the same party.

16 2. The parties do not agree to ~~joint~~ sole legal custody with the same party, but
17 at least one party requests joint sole legal custody and the court specifically finds all
18 2 or more of the following:

19 a. ~~Both parties are~~ One party is not capable of performing parental duties and
20 responsibilities and or does not wish to have an active role in raising the child.

21 b. ~~No~~ One or more conditions exist at that time ~~which~~ that would substantially
22 interfere with the exercise of joint legal custody.

23 c. The parties will not be able to cooperate in the future decision making
24 required under an award of joint legal custody. In making this finding the court shall
25 consider, along with any other pertinent items, any reasons offered by a party

1 objecting to joint legal custody. Evidence that either party engaged in abuse, as
2 defined in s. 813.122 (1) (a), of the child, as defined in s. 48.02 (2), or evidence of
3 interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse,
4 as defined in s. 813.12 (1) (a), creates a rebuttable presumption that the parties will
5 not be able to cooperate in the future decision making required. ~~This presumption
6 may be rebutted by clear and convincing evidence that the abuse will not interfere
7 with the parties' ability to cooperate in the future decision making required.~~

8 **SECTION 3054cq.** 767.24 (2) (c) of the statutes is created to read:

9 767.24 (2) (c) The court may not give sole legal custody to a parent who refuses
10 to cooperate with the other parent if the court finds that the refusal to cooperate is
11 unreasonable.

12 **SECTION 3054cr.** 767.24 (4) (a) of the statutes is renumbered 767.24 (4) (a) 1.
13 and amended to read:

14 767.24 (4) (a) 1. Except as provided under par. (b), if the court orders sole or
15 joint legal custody under sub. (2), the court shall allocate periods of physical
16 placement between the parties in accordance with this subsection.

17 2. In determining the allocation of periods of physical placement, the court
18 shall consider each case on the basis of the factors in sub. (5). The court shall set a
19 placement schedule that allows the child to have regularly occurring, meaningful
20 periods of physical placement with each parent and that maximizes the amount of
21 time the child may spend with each parent, taking into account geographic
22 separation and accommodations for different households.

23 **SECTION 3054cs.** 767.24 (4) (a) 3. of the statutes is created to read:

24 767.24 (4) (a) 3. Notwithstanding subd. 2. and sub. (5), the court shall presume
25 that any proposal submitted to the court with respect to periods of physical

1 placement that has been voluntarily agreed to by the parties is in the child's best
2 interest.

3 **SECTION 3054ct.** 767.24 (4) (c) of the statutes is amended to read:

4 767.24 (4) (c) No court may deny periods of physical placement for failure to
5 meet, or grant periods of physical placement for meeting, any financial obligation to
6 the child or, if the parties were married, to the former spouse.

7 **SECTION 3054cu.** 767.24 (5) (intro.) of the statutes is amended to read:

8 767.24 (5) FACTORS IN CUSTODY AND PHYSICAL PLACEMENT DETERMINATIONS.
9 (intro.) In determining legal custody and periods of physical placement, the court
10 shall consider all facts relevant to the best interest of the child. The court may not
11 prefer one parent or potential custodian over the other on the basis of the sex or race
12 of the parent or potential custodian. ~~The court shall consider reports of appropriate~~
13 ~~professionals if admitted into evidence when legal custody or physical placement is~~
14 ~~contested.~~ The court shall consider the following factors in making its
15 determination:

16 **SECTION 3054cv.** 767.24 (5) (a) of the statutes is amended to read:

17 767.24 (5) (a) The wishes of the child's parent or parents, as shown by any
18 stipulation between the parties, any proposed parenting plan or any legal custody
19 or physical placement proposal submitted to the court at trial.

20 **SECTION 3054cw.** 767.24 (5) (bm) of the statutes is created to read:

21 767.24 (5) (bm) The right of the child to spend the same amount of time or
22 substantial periods of time with each parent.

23 **SECTION 3054cx.** 767.24 (5) (cm) of the statutes is created to read:

24 767.24 (5) (cm) The amount and quality of time that each parent has spent with
25 the child in the past, changes to the parents' custodial roles made necessary by the

1 divorce and any reasonable life–style changes that a parent proposes to make to be
2 able to spend time with the child in the future.

3 **SECTION 3054cy.** 767.24 (5) (dm) of the statutes is created to read:

4 767.24 (5) (dm) The age of the child and the child’s developmental and
5 educational needs at different ages.

6 **SECTION 3054cz.** 767.24 (5) (em) of the statutes is created to read:

7 767.24 (5) (em) The need for regularly occurring and meaningful periods of
8 physical placement to provide predictability and stability for the child.

9 **SECTION 3054d.** 767.24 (5) (fm) of the statutes is created to read:

10 767.24 (5) (fm) The cooperation and communication between the parties and
11 whether either party unreasonably refuses to cooperate or communicate with the
12 other party.

13 **SECTION 3054dc.** 767.24 (5) (g) of the statutes is amended to read:

14 767.24 (5) (g) Whether each party can support the other party’s relationship
15 with the child, including encouraging and facilitating frequent and continuing
16 contact with the child, or whether one party is likely to unreasonably interfere with
17 the child’s continuing relationship with the other party.

18 **SECTION 3054dd.** 767.24 (5) (jm) of the statutes is created to read:

19 767.24 (5) (jm) The reports of appropriate professionals if admitted into
20 evidence.

21 **SECTION 3054de.** 767.242 of the statutes is created to read:

22 **767.242 Enforcement of physical placement orders. (1) DEFINITIONS.** In
23 this section:

1 (a) “Petitioner” means the parent filing a petition under this section, regardless
2 of whether that parent was the petitioner in the action in which periods of physical
3 placement were awarded under s. 767.24.

4 (b) “Respondent” means the parent upon whom a petition under this section is
5 served, regardless of whether that parent was the respondent in the action in which
6 periods of physical placement were awarded under s. 767.24.

7 (2) WHO MAY FILE. A parent who has been awarded periods of physical
8 placement under s. 767.24 may file a petition under sub. (3) if any of the following
9 applies:

10 (a) The parent has had one or more periods of physical placement denied by the
11 other parent.

12 (b) The parent has had one or more periods of physical placement substantially
13 interfered with by the other parent.

14 (c) The parent has incurred a financial loss or expenses as a result of the other
15 parent’s intentional failure to exercise one or more periods of physical placement
16 under an order allocating specific times for the exercise of periods of physical
17 placement.

18 (3) PETITION. (a) The petition shall allege facts sufficient to show the following:

19 1. The name of the petitioner and that the petitioner has been awarded periods
20 of physical placement.

21 2. The name of the respondent.

22 3. That the criteria in sub. (2) apply.

23 (b) The petition shall request the imposition of a remedy or any combination
24 of remedies under sub. (5) (b). This paragraph does not prohibit a judge or family

1 court commissioner from imposing a remedy under sub. (5) (b) if the remedy was not
2 requested in the petition.

3 (c) A judge or family court commissioner shall accept any legible petition for
4 an order under this section.

5 (d) The petition shall be filed under the principal action under which the
6 periods of physical placement were awarded.

7 (e) A petition under this section is a motion for remedial sanction for purposes
8 of s. 785.03 (1) (a).

9 (4) SERVICE ON RESPONDENT; RESPONSE. Upon the filing of a petition under sub.
10 (3), the petitioner shall serve a copy of the petition upon the respondent. The
11 respondent may respond to the petition either in writing before or at the hearing
12 under sub. (5) (a) or orally at that hearing.

13 (5) HEARING; REMEDIES. (a) A judge or family court commissioner shall hold a
14 hearing on the petition no later than 30 days after the petition has been served,
15 unless the time is extended by mutual agreement of the parties or upon the motion
16 of a guardian ad litem and the approval of the judge or family court commissioner.
17 The judge or family court commissioner may, on his or her own motion or the motion
18 of any party, order that a guardian ad litem be appointed for the child prior to the
19 hearing.

20 (b) At the conclusion of the hearing, the judge or family court commissioner
21 may do any of the following:

22 1. If the judge or family court commissioner finds that the respondent has
23 intentionally and unreasonably denied the petitioner one or more periods of physical
24 placement or that the respondent has intentionally and unreasonably interfered

1 with one or more of the petitioner's periods of physical placement, do one or more of
2 the following:

3 a. Issue an order granting additional periods of physical placement to replace
4 those denied or interfered with.

5 b. If the underlying order or judgment relating to periods of physical placement
6 does not provide for specific times for the exercise of periods of physical placement,
7 issue an order specifying the times for the exercise of periods of physical placement.

8 c. Find the respondent in contempt of court under ch. 785.

9 d. Grant an injunction ordering the respondent to strictly comply with the
10 judgment or order relating to the award of physical placement. In determining
11 whether to issue an injunction, the judge or family court commissioner shall consider
12 whether alternative remedies requested by the petitioner would be as effective in
13 obtaining compliance with the order or judgment relating to physical placement.

14 2. If the judge or family court commissioner finds that the petitioner has
15 incurred a financial loss or expenses as a result of the respondent's failure,
16 intentionally and unreasonably and without adequate notice to the petitioner, to
17 exercise one or more periods of physical placement under an order allocating specific
18 times for the exercise of periods of physical placement, issue an order requiring the
19 respondent to pay to the petitioner a sum of money sufficient to compensate the
20 petitioner for the financial loss or expenses.

21 (c) Except as provided in par. (b) 1. a. and b., the judge or family court
22 commissioner may not modify an order of legal custody or physical placement in an
23 action under this section.

1 (d) The judge or family court commissioner shall award the prevailing party
2 a reasonable amount for the cost of maintaining an action under this section and for
3 attorney fees.

4 (e) An injunction issued under par. (b) 1. d. is effective according to its terms,
5 for the period of time that the petitioner requests, but not more than 2 years.

6 (6) ENFORCEMENT ASSISTANCE. (a) If an injunction is issued under sub. (5) (b)
7 1. d., upon request by the petitioner the judge or family court commissioner shall
8 order the sheriff to assist the petitioner in executing or serving the injunction.

9 (b) Within 24 hours after a request by the petitioner, the clerk of the circuit
10 court shall send a copy of an injunction issued under sub. (5) (b) 1. d. to the sheriff
11 or to any other local law enforcement agency that is the central repository for orders
12 and that has jurisdiction over the respondent's residence. If the respondent does not
13 reside in this state, the clerk shall send a copy of the injunction to the sheriff of the
14 county in which the circuit court is located.

15 (c) The sheriff or other appropriate local law enforcement agency under par. (b)
16 shall make available to other law enforcement agencies, through a verification
17 system, information on the existence and status of any injunction issued under sub.
18 (5) (b) 1. d. The information need not be maintained after the injunction is no longer
19 in effect.

20 (7) ARREST. A law enforcement officer may arrest and take a person into custody
21 if all of the following apply:

22 (a) A petitioner under this section presents the law enforcement officer with a
23 copy of an injunction issued under sub. (5) (b) 1. d. or the law enforcement officer
24 determines that such an injunction exists through communication with appropriate
25 authorities.

1 (b) The law enforcement officer has probable cause to believe that the person
2 has violated the injunction issued under sub. (5) (b) 1. d.

3 (8) PENALTY. Whoever intentionally violates an injunction issued under sub.
4 (5) (b) 1. d. may be fined not more than \$10,000 or imprisoned for not more than 2
5 years or both.

6 **SECTION 3054df.** 767.25 (1) (intro.) of the statutes is amended to read:

7 767.25 (1) (intro.) Whenever the court approves a stipulation for child support
8 under s. 767.10, enters a judgment of annulment, divorce or legal separation, or
9 enters an order or a judgment in a paternity action or in an action under s. 767.02
10 (1) (f) or (j) ~~or~~, 767.08 or 767.62 (3), the court shall do all of the following:

11 **SECTION 3054dg.** 767.25 (1m) (b) of the statutes is amended to read:

12 767.25 (1m) (b) The financial resources of both parents ~~as determined under~~
13 ~~s. 767.255.~~

14 **SECTION 3054dh.** 767.25 (1m) (c) of the statutes is amended to read:

15 767.25 (1m) (c) ~~The~~ If the parties were married, the standard of living the child
16 would have enjoyed had the marriage not ended in annulment, divorce or legal
17 separation.

18 **SECTION 3054di.** 767.25 (4m) (b) of the statutes is amended to read:

19 767.25 (4m) (b) In addition to ordering child support for a child under sub. (1),
20 the court shall specifically assign responsibility for and direct the manner of
21 payment of the child's health care expenses. In assigning responsibility for a child's
22 health care expenses, the court shall consider whether a child is covered under a
23 parent's health insurance policy or plan at the time the court approves a stipulation
24 for child support under s. 767.10, enters a judgment of annulment, divorce or legal
25 separation, or enters an order or a judgment in a paternity action or in an action

1 under s. 767.02 (1) (f) or (j) ~~or~~, 767.08 or 767.62 (3), the availability of health
2 insurance to each parent through an employer or other organization, the extent of
3 coverage available to a child and the costs to the parent for the coverage of the child.
4 A parent may be required to initiate or continue health care insurance coverage for
5 a child under this subsection. If a parent is required to do so, he or she shall provide
6 copies of necessary program or policy identification to the custodial parent and is
7 liable for any health care costs for which he or she receives direct payment from an
8 insurer. This subsection shall not be construed to limit the authority of the court to
9 enter or modify support orders containing provisions for payment of medical
10 expenses, medical costs, or insurance premiums which are in addition to and not
11 inconsistent with this subsection.

12 **SECTION 3054dj.** 767.25 (5) of the statutes is amended to read:

13 767.25 (5) Liability Subject to ss. 767.51 (4) and 767.62 (4m), liability for past
14 support shall be limited to the period after the birth of the child.

15 **SECTION 3054dk.** 767.25 (6) (intro.) of the statutes, as affected by 1997
16 Wisconsin Act 191, section 398, is amended to read:

17 767.25 (6) (intro.) A party ordered to pay child support under this section shall
18 pay simple interest at the rate of ~~1.5%~~ 1% per month on any amount in arrears that
19 is equal to or greater than the amount of child support due in one month. If the party
20 no longer has a current obligation to pay child support, interest at the rate of ~~1.5%~~
21 1% per month shall accrue on the total amount of child support in arrears, if any.
22 Interest under this subsection is in lieu of interest computed under s. 807.01 (4),
23 814.04 (4) or 815.05 (8) and is paid to the department or its designee under s. 767.29.
24 Except as provided in s. 767.29 (1m), the department or its designee, whichever is
25 appropriate, shall apply all payments received for child support as follows:

1 **SECTION 3054dL.** 767.253 of the statutes is amended to read:

2 **767.253 Seek-work orders.** In an action for modification of a child support
3 order under s. 767.32 or an action in which an order for child support is required
4 under s. 767.25 (1), 767.51 (3) or 767.62 (4) (a), the court may order either or both
5 parents of the child to seek employment or participate in an employment or training
6 program.

7 **SECTION 3054dm.** 767.254 (2) (intro.) of the statutes is amended to read:

8 **767.254 (2) (intro.)** In an action for revision of a judgment or order providing
9 for child support under s. 767.32 or an action in which an order for child support is
10 required under s. 767.25 (1), 767.51 (3) or 767.62 (4) (a), the court shall order an
11 unemployed teenage parent to do one or more of the following:

12 **SECTION 3054dn.** 767.261 (intro.) of the statutes, as affected by 1997 Wisconsin
13 Act 191, section 403, is amended to read:

14 **767.261 Family support.** (intro.) The court may make a financial order
15 designated “family support” as a substitute for child support orders under s. 767.25
16 and maintenance payment orders under s. 767.26. A party ordered to pay family
17 support under this section shall pay simple interest at the rate of ~~1.5%~~ 1% per month
18 on any amount in arrears that is equal to or greater than the amount of child support
19 due in one month. If the party no longer has a current obligation to pay child support,
20 interest at the rate of ~~1.5%~~ 1% per month shall accrue on the total amount of child
21 support in arrears, if any. Interest under this section is in lieu of interest computed
22 under s. 807.01 (4), 814.04 (4) or 815.05 (8) and is paid to the department or its
23 designee under s. 767.29. Except as provided in s. 767.29 (1m), the department or
24 its designee, whichever is appropriate, shall apply all payments received for family
25 support as follows:”.

1 **9.** Page 1410, line 5: after that line insert:

2 “**SECTION 3055c.** 767.265 (1) of the statutes, as affected by 1997 Wisconsin Act
3 191, section 411, and 1999 Wisconsin Act (this act), is amended to read:

4 767.265 (1) Each order for child support under this chapter, for maintenance
5 payments under s. 767.23 or 767.26, for family support under this chapter, for costs
6 ordered under s. 767.51 (3) or 767.62 (4) (a), for support by a spouse under s. 767.02
7 (1) (f), for maintenance payments under s. 767.02 (1) (g) or for the annual receiving
8 and disbursing fee under s. 767.29 (1) (d), each order for a revision in a judgment or
9 order with respect to child support, maintenance or family support payments under
10 s. 767.32, each stipulation approved by the court or the family court commissioner
11 for child support under this chapter and each order for child or spousal support
12 entered under s. 948.22 (7) constitutes an assignment of all commissions, earnings,
13 salaries, wages, pension benefits, benefits under ch. 102 or 108, lottery prizes that
14 are payable in instalments and other money due or to be due in the future to the
15 department or its designee. The assignment shall be for an amount sufficient to
16 ensure payment under the order or stipulation and to pay any arrearages due at a
17 periodic rate not to exceed 50% of the amount of support due under the order or
18 stipulation so long as the addition of the amount toward arrearages does not leave
19 the party at an income below the poverty line established under 42 USC 9902 (2).”.

20 **10.** Page 1413, line 24: after that line insert:

21 “**SECTION 3061c.** 767.265 (3h) of the statutes, as affected by 1997 Wisconsin Act
22 191, section 415, is amended to read:

23 767.265 (3h) A person who receives notice of assignment under this section or
24 s. 767.23 (1) (L), or 767.25 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~ or similar laws

1 of another state shall withhold the amount specified in the notice from any money
2 that person pays to the payer later than one week after receipt of notice of
3 assignment. Within 5 days after the day the person pays money to the payer, the
4 person shall send the amount withheld to the department or its designee, whichever
5 is appropriate, or, in the case of an amount ordered withheld for health care
6 expenses, to the appropriate health care insurer, provider or plan. With each
7 payment sent to the department or its designee, the person from whom the payer
8 receives money shall report to the department or its designee the payer's gross
9 income or other gross amount from which the payment was withheld. Except as
10 provided in sub. (3m), for each payment sent to the department or its designee, the
11 person from whom the payer receives money shall receive an amount equal to the
12 person's necessary disbursements, not to exceed \$3, which shall be deducted from the
13 money to be paid to the payer. Section 241.09 does not apply to assignments under
14 this section.

15 **SECTION 3061cd.** 767.265 (4) of the statutes is amended to read:

16 767.265 (4) A withholding assignment or order under this section or s. 767.23
17 (1) (L), or 767.25 (4m) (c), ~~767.51 (3m) (c) or 767.62 (4) (b) 3.~~ has priority over any other
18 assignment, garnishment or similar legal process under state law.

19 **SECTION 3061ce.** 767.265 (6) (a) of the statutes, as affected by 1997 Wisconsin
20 Act 191, section 420, is amended to read:

21 767.265 (6) (a) Except as provided in sub. (3m), if after receipt of notice of
22 assignment the person from whom the payer receives money fails to withhold the
23 money or send the money to the department or its designee or the appropriate health
24 care insurer, provider or plan as provided in this section or s. 767.23 (1) (L), or 767.25
25 (4m) (c), ~~767.51 (3m) (c) or 767.62 (4) (b) 3.~~, the person may be proceeded against

1 under the principal action under ch. 785 for contempt of court or may be proceeded
2 against under ch. 778 and be required to forfeit not less than \$50 nor more than an
3 amount, if the amount exceeds \$50, that is equal to 1% of the amount not withheld
4 or sent.

5 **SECTION 3061cf.** 767.265 (6) (b) of the statutes, as affected by 1997 Wisconsin
6 Act 191, section 422, is amended to read:

7 767.265 (6) (b) If an employer who receives an assignment under this section
8 or s. 767.23 (1) (L), or 767.25 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~ fails to notify
9 the department or its designee, whichever is appropriate, within 10 days after an
10 employe is terminated or otherwise temporarily or permanently leaves employment,
11 the employer may be proceeded against under the principal action under ch. 785 for
12 contempt of court.

13 **SECTION 3061cg.** 767.265 (6) (c) of the statutes is amended to read:

14 767.265 (6) (c) No employer may use an assignment under this section or s.
15 767.23 (1) (L), or 767.25 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~ as a basis for the
16 denial of employment to a person, the discharge of an employe or any disciplinary
17 action against an employe. An employer who denies employment or discharges or
18 disciplines an employe in violation of this paragraph may be fined not more than
19 \$500 and may be required to make full restitution to the aggrieved person, including
20 reinstatement and back pay. Except as provided in this paragraph, restitution shall
21 be in accordance with s. 973.20. An aggrieved person may apply to the district
22 attorney or to the department for enforcement of this paragraph.

23 **SECTION 3061ch.** 767.267 (1) of the statutes, as affected by 1997 Wisconsin Act
24 27, is amended to read:

1 767.267 (1) If the court or the family court commissioner determines that
2 income withholding under s. 767.265 is inapplicable, ineffective or insufficient to
3 ensure payment under an order or stipulation specified in s. 767.265 (1), or that
4 income withholding under s. 767.25 (4m) (c) ~~or 767.51 (3m) (e)~~ is inapplicable,
5 ineffective or insufficient to ensure payment of a child's health care expenses,
6 including payment of health insurance premiums, ordered under s. 767.25 (4m) or
7 767.51 (3m), the court or family court commissioner may require the payer to identify
8 or establish a deposit account, owned in whole or in part by the payer, that allows for
9 periodic transfers of funds and to file with the financial institution at which the
10 account is located an authorization for transfer from the account to the department
11 or its designee, whichever is appropriate. The authorization shall be provided on a
12 standard form approved by the court and shall specify the frequency and the amount
13 of transfer, sufficient to meet the payer's obligation under the order or stipulation,
14 as required by the court or family court commissioner. The authorization shall
15 include the payer's consent for the financial institution or an officer, employe or agent
16 of the financial institution to disclose information to the court, family court
17 commissioner, county child support agency under s. 59.53 (5), department or
18 department's designee regarding the account for which the payer has executed the
19 authorization for transfer."

20 **11.** Page 1415, line 19: after that line insert:

21 "SECTION 3065c. 767.29 (1m) (intro.) of the statutes, as affected by 1997
22 Wisconsin Act 191, section 427, is amended to read:

23 767.29 (1m) (intro.) Notwithstanding ss. 767.25 (6), and 767.261, 767.51 (5p)
24 and 767.62 (4) (g), if the department or its designee receives support or maintenance

1 money that exceeds the amount due in the month in which it is received and that the
2 department or its designee determines is for support or maintenance due in a
3 succeeding month, the department or its designee may hold the amount of
4 overpayment that does not exceed the amount due in the next month for
5 disbursement in the next month if any of the following applies:

6 **SECTION 3065cd.** 767.295 (2) (a) (intro.) of the statutes is amended to read:

7 767.295 (2) (a) (intro.) In an action for modification of a child support order
8 under s. 767.32, an action in which an order for child support is required under s.
9 767.25 (1), 767.51 (3) or 767.62 (4) ~~(a)~~ or a contempt of court proceeding to enforce a
10 child support or family support order in a county that contracts under s. 49.36 (2),
11 the court may order a parent who is not a custodial parent to register for a work
12 experience and job training program under s. 49.36 if all of the following conditions
13 are met:

14 **SECTION 3065ce.** 767.295 (2) (c) of the statutes is amended to read:

15 767.295 (2) (c) If the court enters an order under par. (a), it shall order the
16 parent to pay child support equal to the amount determined by applying the
17 percentage standard established under s. 49.22 (9) to the income a person would earn
18 by working 40 hours per week for the federal minimum hourly wage under 29 USC
19 206 (a) (1) or equal to the amount of child support that the parent was ordered to pay
20 in the most recent determination of support under this chapter. The child support
21 obligation ordered under this paragraph continues until the parent makes timely
22 payment in full for 3 consecutive months or until the person participates in the
23 program under s. 49.36 for 16 weeks, whichever comes first. The court shall provide
24 in its order that the parent must make child support payments calculated under s.

1 767.25 (1j) or (1m), ~~767.51 (4m) or (5) or 767.62 (4) (d) 1. or (e)~~ after the obligation to
2 make payments ordered under this paragraph ceases.

3 **SECTION 3065cf.** 767.303 (1) of the statutes is amended to read:

4 767.303 (1) If a person fails to pay a payment ordered for support under s.
5 767.077, support under s. 767.08, child support or family support under s. 767.23,
6 child support under s. 767.25, family support under s. 767.261, revised child or
7 family support under s. 767.32, child support under s. 767.458 (3), child support
8 under s. 767.458 (3), child support under s. 767.51, child support under s. 767.62 (4)
9 ~~(a)~~, child support under ch. 769 or child support under s. 948.22 (7), the payment is
10 90 or more days past due and the court finds that the person has the ability to pay
11 the amount ordered, the court may suspend the person's operating privilege, as
12 defined in s. 340.01 (40), until the person pays all arrearages in full or makes
13 payment arrangements that are satisfactory to the court, except that the suspension
14 period may not exceed 5 years. If otherwise eligible, the person is eligible for an
15 occupational license under s. 343.10 at any time.

16 **SECTION 3065cg.** 767.303 (1) of the statutes, as affected by 1997 Wisconsin Act
17 84 and 1999 Wisconsin Act (this act), is amended to read:

18 767.303 (1) If a person fails to pay a payment ordered for support under s.
19 767.077, support under s. 767.08, child support or family support under s. 767.23,
20 child support under s. 767.25, family support under s. 767.261, revised child or
21 family support under s. 767.32, child support under s. 767.458 (3), child support
22 under s. 767.477, child support under s. 767.51, child support under s. 767.62 (4) ~~(a)~~,
23 child support under ch. 769 or child support under s. 948.22 (7), the payment is 90
24 or more days past due and the court finds that the person has the ability to pay the
25 amount ordered, the court may suspend the person's operating privilege, as defined

1 in s. 340.01 (40), until the person pays all arrearages in full or makes payment
2 arrangements that are satisfactory to the court, except that the suspension period
3 may not exceed 2 years. If otherwise eligible, the person is eligible for an
4 occupational license under s. 343.10 at any time.

5 **SECTION 3065ch.** 767.32 (1) (b) 4. of the statutes is amended to read:

6 767.32 (1) (b) 4. A difference between the amount of child support ordered by
7 the court to be paid by the payer and the amount that the payer would have been
8 required to pay based on the percentage standard established by the department
9 under s. 49.22 (9) if the court did not use the percentage standard in determining the
10 child support payments and did not provide the information required under s. 46.10
11 (14) (d), 301.12 (14) (d), or 767.25 (1n), ~~767.51 (5d) or 767.62 (4) (f)~~, whichever is
12 appropriate.

13 **SECTION 3065ci.** 767.32 (2m) of the statutes is amended to read:

14 767.32 (2m) Upon request by a party, the court may modify the amount of
15 revised child support payments determined under sub. (2) if, after considering the
16 factors listed in s. 767.25 (1m), ~~767.51 (5) or 767.62 (4) (e)~~, as appropriate, the court
17 finds, by the greater weight of the credible evidence, that the use of the percentage
18 standard is unfair to the child or to any of the parties.

19 **SECTION 3065cj.** 767.325 (2m) of the statutes is created to read:

20 767.325 (2m) **MODIFICATION OF PERIODS OF PHYSICAL PLACEMENT FOR FAILURE TO**
21 **EXERCISE PHYSICAL PLACEMENT.** Notwithstanding subs. (1) and (2), upon petition,
22 motion or order to show cause by a party, a court may modify an order of physical
23 placement at any time with respect to periods of physical placement if it finds that
24 a parent has repeatedly and unreasonably failed to exercise periods of physical

1 placement awarded under an order of physical placement that allocates specific
2 times for the exercise of periods of physical placement.

3 **SECTION 3065ck.** 767.325 (5m) of the statutes is created to read:

4 **767.325 (5m) FACTORS TO CONSIDER.** In all actions to modify legal custody or
5 physical placement orders, the court shall consider the factors under s. 767.24 (5) and
6 shall make its determination in a manner consistent with s. 767.24.

7 **SECTION 3065cL.** 767.325 (6m) of the statutes is created to read:

8 **767.325 (6m) PARENTING PLAN.** In any action to modify a legal custody or
9 physical placement order under sub. (1), the court may require the party seeking the
10 modification to file with the court a parenting plan under s. 767.24 (1m) before any
11 hearing is held.

12 **SECTION 3065cm.** 767.327 (4) of the statutes is amended to read:

13 **767.327 (4) GUARDIAN AD LITEM; PROMPT HEARING.** After a petition, motion or
14 order to show cause is filed under sub. (3), the court shall appoint a guardian ad litem,
15 unless s. 767.045 (1) (am) applies, and shall hold a hearing as soon as possible.

16 **SECTION 3065cn.** 767.327 (5m) of the statutes is created to read:

17 **767.327 (5m) DISCRETIONARY FACTORS TO CONSIDER.** In making a determination
18 under sub. (3), the court may consider the child's adjustment to the home, school,
19 religion and community.

20 **SECTION 3065co.** 767.45 (7) of the statutes is amended to read:

21 **767.45 (7)** The clerk of court shall provide without charge, to each person
22 bringing an action under this section, except to the state under sub. (1) (g) or (6m),
23 a document setting forth the percentage standard established by the department
24 under s. 49.22 (9) and listing the factors which a court may consider under s. 767.51
25 ~~(5)~~ 767.25 (1m).

1 **SECTION 3065cp.** 767.455 (6) of the statutes is amended to read:

2 **767.455 (6) DOCUMENT.** The summons served on the respondent shall be
3 accompanied by a document, provided without charge by the clerk of court, setting
4 forth the percentage standard established by the department under s. 49.22 (9) and
5 listing the factors which a court may consider under s. ~~767.51 (5)~~ 767.25 (1m).

6 **SECTION 3065cq.** 767.477 (1) of the statutes is amended to read:

7 **767.477 (1)** At any time during the pendency of an action to establish the
8 paternity of a child, if genetic tests show that the alleged father is not excluded and
9 that the statistical probability of the alleged father's parentage is 99.0% or higher,
10 on the motion of a party, the court shall make ~~an appropriate temporary order~~ orders
11 for the payment of child support ~~and may make a temporary order~~, assigning
12 responsibility for and directing the manner of payment of the child's health care
13 expenses and for the custody and physical placement of the child.

14 **SECTION 3065cr.** 767.477 (2) of the statutes is amended to read:

15 **767.477 (2)** Before making any temporary order under sub. (1), the court shall
16 consider those factors that the court is required ~~under s. 767.51~~ to consider when
17 granting a final judgment on the same subject matter. If the court makes a
18 temporary child support order that deviates from the amount of support that would
19 be required by using the percentage standard established by the department under
20 s. 49.22 (9), the court shall comply with the requirements of s. ~~767.51 (5d)~~ 767.25 (1n).

21 **SECTION 3065cs.** 767.51 (3) of the statutes is repealed and recreated to read:

22 **767.51 (3)** A judgment or order determining paternity shall contain all of the
23 following provisions:

24 (a) An adjudication of the paternity of the child.

1 (b) Orders for the legal custody of and periods of physical placement with the
2 child, determined in accordance with s. 767.24.

3 (c) An order requiring either or both of the parents to contribute to the support
4 of any child of the parties who is less than 18 years old, or any child of the parties who
5 is less than 19 years old if the child is pursuing an accredited course of instruction
6 leading to the acquisition of a high school diploma or its equivalent, determined in
7 accordance with s. 767.25.

8 (d) A determination as to which parent, if eligible, shall have the right to claim
9 the child as an exemption for federal tax purposes under 26 USC 151 (c) (1) (B), or
10 as an exemption for state tax purposes under s. 71.07 (8) (b).

11 (e) An order requiring either or both parties to pay or contribute to the
12 reasonable expenses of the pregnancy and the child's birth, based on the parties'
13 ability to pay or contribute to those expenses.

14 (f) An order requiring either or both parties to pay or contribute to the costs of
15 the guardian ad litem fees, genetic tests as provided in s. 767.48 (5) and other costs.

16 (g) An order requiring either party to pay or contribute to the attorney fees of
17 the other party.

18 **SECTION 3065ct.** 767.51 (3m) of the statutes, as affected by 1997 Wisconsin Act
19 27, is repealed.

20 **SECTION 3065cu.** 767.51 (3r) of the statutes is repealed.

21 **SECTION 3065cv.** 767.51 (4) of the statutes is repealed and recreated to read:

22 767.51 (4) (a) Subject to par. (b), liability for past support of the child shall be
23 limited to support for the period after the day on which the action is commenced
24 under s. 767.45, unless a party shows, to the satisfaction of the court, all of the
25 following:

1 1. That he or she was induced to delay commencing the action by any of the
2 following:

3 a. Duress or threats.

4 b. Actions, promises or representations by the other party upon which the party
5 relied.

6 c. Actions taken by the other party to evade paternity proceedings.

7 2. That, after the inducement ceased to operate, he or she did not unreasonably
8 delay in commencing the action.

9 (b) In no event may liability for past support of the child be imposed for any
10 period before the birth of the child.

11 **SECTION 3065cw.** 767.51 (4g) of the statutes is repealed.

12 **SECTION 3065cx.** 767.51 (4m) of the statutes is repealed.

13 **SECTION 3065cy.** 767.51 (5) of the statutes is repealed.

14 **SECTION 3065d.** 767.51 (5d) of the statutes is repealed.

15 **SECTION 3065dd.** 767.51 (5p) of the statutes, as affected by 1997 Wisconsin Act
16 191, is repealed.

17 **SECTION 3065de.** 767.53 (intro.) of the statutes is amended to read:

18 **767.53 Paternity hearings and records; confidentiality.** (intro.) Any
19 hearing, discovery proceeding or trial relating to paternity determination shall be
20 closed to any person other than those necessary to the action or proceeding. Any
21 record of ~~the~~ pending proceedings shall be placed in a closed file, except that:

22 **SECTION 3065df.** 767.53 (1) (intro.) of the statutes is amended to read:

23 767.53 (1) (intro.) Access to the record of any pending ~~or past~~ proceeding
24 involving the paternity of the same child shall be allowed to all of the following:

25 **SECTION 3065dg.** 767.53 (3) of the statutes is created to read:

1 767.53 (3) Subject to s. 767.19, the records of any past proceeding in which
2 paternity was established are open to public inspection.

3 **SECTION 3065dh.** 767.62 (4) of the statutes, as affected by 1997 Wisconsin Act
4 191, is repealed and recreated to read:

5 767.62 (4) **ORDERS WHEN PATERNITY ACKNOWLEDGED.** In an action under sub. (3)
6 (a), if the persons who signed and filed the statement acknowledging paternity as
7 parents of the child had notice of the hearing, the court or family court commissioner
8 shall make an order that contains all of the following provisions:

9 (a) Orders for the legal custody of and periods of physical placement with the
10 child, determined in accordance with s. 767.24.

11 (b) An order requiring either or both of the parents to contribute to the support
12 of any child of the parties who is less than 18 years old, or any child of the parties who
13 is less than 19 years old if the child is pursuing an accredited course of instruction
14 leading to the acquisition of a high school diploma or its equivalent, determined in
15 accordance with s. 767.25.

16 (c) A determination as to which parent, if eligible, shall have the right to claim
17 the child as an exemption for federal tax purposes under 26 USC 151 (c) (1) (B), or
18 as an exemption for state tax purposes under s. 71.07 (8) (b).

19 (d) An order requiring either or both parties to pay or contribute to the
20 reasonable expenses of the pregnancy and the child's birth, based on the parties'
21 ability to pay or contribute to those expenses.

22 (e) An order requiring either or both parties to pay or contribute to the costs
23 of the guardian ad litem fees and other costs.

24 (f) An order requiring either party to pay or contribute to the attorney fees of
25 the other party.

1 **SECTION 3065di.** 767.62 (4m) of the statutes is created to read:

2 767.62 (4m) LIABILITY FOR PAST SUPPORT. (a) Subject to par. (b), liability for past
3 support of the child shall be limited to support for the period after the day on which
4 the action is commenced under sub. (3) (a), unless a party shows, to the satisfaction
5 of the court, all of the following:

6 1. That he or she was induced to delay commencing the action by any of the
7 following:

8 a. Duress or threats.

9 b. Actions, promises or representations by the other party upon which the party
10 relied.

11 c. Actions taken by the other party to evade proceedings under sub. (3) (a).

12 2. That, after the inducement ceased to operate, he or she did not unreasonably
13 delay in commencing the action.

14 (b) In no event may liability for past support of the child be imposed for any
15 period before the birth of the child.”.

16 **12.** Page 1425, line 7: after that line insert:

17 “**SECTION 3085c.** 802.12 (3) (d) 1. of the statutes is amended to read:

18 802.12 (3) (d) 1. Custody and physical placement under s. 767.24, 767.458 (3),
19 767.51 (3) or 767.62 (4) (a).

20 **SECTION 3085d.** 802.12 (3) (d) 3. of the statutes is amended to read:

21 802.12 (3) (d) 3. Child support under s. 767.25, 767.458 (3), 767.51 or 767.62
22 (4) (a).”.

23 **13.** Page 1426, line 12: after that line insert:

24 “**SECTION 3087c.** 808.075 (4) (d) 11. of the statutes is amended to read:

1 808.075 (4) (d) 11. Enforcement or modification of assignments under s. 767.25
2 (4m), or 767.265, 767.51 (3m) or 767.62 (4) (b) 3.”.

3 **14.** Page 1439, line 11: after that line insert:

4 “**SECTION 3197c.** 948.22 (7) (bm) of the statutes is amended to read:

5 948.22 (7) (bm) Upon request, the court may modify the amount of child or
6 spousal support payments determined under par. (b) 2. if, after considering the
7 factors listed in s. 767.25 (1m) ~~or 767.51 (5)~~, regardless of the fact that the action is
8 not one for a determination of paternity or an action specified in s. 767.25 (1), the
9 court finds, by the greater weight of the credible evidence, that the use of the
10 percentage standard is unfair to the child or to either of the child’s parents.”.

11 **15.** Page 1566, line 17: after that line insert:

12 “(4y) **STUDY ON THE GUARDIAN AD LITEM SYSTEM.**

13 (a) The joint legislative council is requested to establish a committee to study
14 reforming the guardian ad litem system as it applies to actions affecting the family.
15 The committee shall include legislators, attorneys, judges, court commissioners,
16 mental health professionals and other individuals representing the public interest.
17 The study shall include an examination of at least all of the following:

18 1. The appointment of guardians ad litem, including whether the appointment
19 of a guardian ad litem should be required in every case in which legal custody or
20 physical placement of a child is contested and whether professionals with specialized
21 training and expertise in the emotional and developmental phases and needs of
22 children, such as child psychologists, child psychiatrists and child therapists, should
23 be appointed to act as guardians ad litem.

24 2. The role of the guardian ad litem.

1 3. Supervision of guardians ad litem.

2 4. Training of guardians ad litem.

3 5. Compensation of guardians ad litem.

4 (b) If a committee is established, the committee shall prepare a report with its
5 recommendations and shall petition the supreme court to consider rules for the
6 reform of the guardian ad litem system on the basis of the recommendations.”

7 **16.** Page 1603, line 18: after that line insert:

8 “(9yo) CUSTODY AND PHYSICAL PLACEMENT IN ACTIONS AFFECTING THE FAMILY. The
9 treatment of sections 20.921 (2) (a), 66.184, 102.27 (2) (a) (by SECTION 2002c), 120.13
10 (2) (g), 565.30 (5m), 632.897 (10) (a) 3., 767.045 (1) (a) 2. and (e), 767.078 (1) (a) 1. and
11 (2), 767.11 (12) (b), 767.115 (title) and (4), 767.23 (1) (a), (am), (c) and (k), 767.23 (1n),
12 767.24 (1) and (1m), 767.24 (2) (a), (am), (b) and (c), (4) (c) and (5) (intro.), (a), (cm),
13 (dm), (em), (fm), (g) and (jm), 767.242, 767.25 (1) (intro.), (1m) (b) and (c), (4m) (b),
14 (5) and (6) (intro.), 767.253, 767.254 (2) (intro.), 767.261 (intro.), 767.265 (1) (by
15 SECTION 3055c), (3h), (4) and (6) (a), (b) and (c), 767.267 (1), 767.29 (1m) (intro.),
16 767.295 (2) (a) (intro.) and (c), 767.303 (1) (by SECTION 3065cf), 767.32 (1) (b) 4. and
17 (2m), 767.325 (2m), (5m) and (6m), 767.327 (4) and (5m), 767.45 (7), 767.455 (6),
18 767.477 (1) and (2), 767.51 (3), (3m), (3r), (4), (4g), (4m), (5), (5d) and (5p), 767.53
19 (intro.), (1) (intro.) and (3), 767.62 (4) and (4m), 802.12 (3) (d) 1. and 3., 808.075 (4)
20 (d) 11. and 948.22 (7) (bm) of the statutes, the renumbering and amendment of
21 section 767.24 (4) (a) of the statutes and the creation of section 767.24 (4) (a) 3. of the
22 statutes first apply to actions affecting the family, including actions to enforce or
23 modify a judgment or order in an action affecting the family previously granted, that
24 are commenced on the effective date of this subsection.”

1 **17.** Page 1617, line 6: after that line insert:

2 “(7yo) CUSTODY AND PHYSICAL PLACEMENT IN ACTIONS AFFECTING THE FAMILY.

3 (a) The treatment of sections 20.921 (2) (a), 66.184, 102.27 (2) (a) (by SECTION
4 2002c), 120.13 (2) (g), 565.30 (5m), 632.897 (10) (a) 3., 767.045 (1) (a) 2. and (e),
5 767.078 (1) (a) 1. and (2), 767.11 (12) (b), 767.115 (title) and (4), 767.23 (1) (a), (am),
6 (c) and (k), 767.23 (1n), 767.24 (1) and (1m), 767.24 (2) (a), (am), (b) and (c), (4) (c)
7 and (5) (intro.), (a), (cm), (dm), (em), (fm), (g) and (jm), 767.242, 767.25 (1) (intro.),
8 (1m) (b) and (c), (4m) (b), (5) and (6) (intro.), 767.253, 767.254 (2) (intro.), 767.261
9 (intro.), 767.265 (1) (by SECTION 3055c), (3h), (4) and (6) (a), (b) and (c), 767.267 (1),
10 767.29 (1m) (intro.), 767.295 (2) (a) (intro.) and (c), 767.303 (1) (by SECTION 3065cf),
11 767.32 (1) (b) 4. and (2m), 767.325 (2m), (5m) and (6m), 767.327 (4) and (5m), 767.45
12 (7), 767.455 (6), 767.477 (1) and (2), 767.51 (3), (3m), (3r), (4), (4g), (4m), (5), (5d) and
13 (5p), 767.53 (intro.), (1) (intro.) and (3), 767.62 (4) and (4m), 802.12 (3) (d) 1. and 3.,
14 808.075 (4) (d) 11. and 948.22 (7) (bm) of the statutes, the renumbering and
15 amendment of section 767.24 (4) (a) of the statutes and the creation of section 767.24
16 (4) (a) 3. of the statutes and SECTION 9357 (9y) of this act take effect on the first day
17 of the 7th month beginning after publication.

18 (b) The treatment of section 767.303 (1) (by SECTION 3065cg) of the statutes
19 takes effect on the date stated in the notice published by the secretary of
20 transportation in the Wisconsin Administrative Register under section 85.515 of the
21 statutes, or on May 1, 2000, whichever is earlier.”

22

(END)