

2001 DRAFTING REQUEST

Bill

Received: 03/13/2001

Received By: kahlepj

Wanted: Soon

Identical to LRB:

For: DuWayne Johnsrud (608) 266-3534

By/Representing: Larry (his office)

This file may be shown to any legislator: NO

Drafter: kahlepj

May Contact:

Alt. Drafters:

Subject: Dom. Rel. - cust. and plac.

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Prohibiting a parent from taking a child to certain foreign countries without the agreement of the other parent

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 03/13/2001	jdye 03/13/2001		_____			
/1			martykr 03/13/2001	_____	lrb_docadmin 03/13/2001	lrb_docadmin 03/14/2001	

FE Sent For:

<END>

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1/?	kahlepj	1 3/13 jld	1 3/13	1 3/13			

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<END>

PJK
2

BILL REQUEST FORM

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

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.

Use this form only for BILL drafts. Attach more pages if necessary.

Legislator, agency or other body requesting this draft: Rep. Johnson

Date: 3/12/01 Person submitting request (name, phone number): Larry -6-3534

Persons to contact for questions about this draft (names, phone numbers): Larry 6-3534

Describe the problem, including any helpful examples.
How do you want to solve the problem?

please draft an Assembly Companion to LRB 2703/2

Please attach a copy of any correspondence or other material that may help us.
If you know of any statute sections that might be affected, list them or provide a marked-up (not re-typed) copy.
You may attach a marked-up (not retyped) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests are confidential unless stated otherwise.

- May we tell others that we are working on this for you? Yes No
- If yes: Anyone who asks? Yes No Any legislator? Yes No Only the following persons: _____

Do you consider this request urgent? Yes No If yes, please indicate why: time sensitive for constituent

Should we give this request priority over any other pending request of this legislator, agency or body? Yes No If yes, sign your name here: _____



State of Wisconsin
2001 - 2002 LEGISLATURE

2828/1
LRB-2708/2
PJK/jld/pg
stays

SOON
(3-13)

2001 BILL

Regen

1 AN ACT to renumber and amend 767.24 (4) (d); and to create 767.24 (4) (d) 2.,
2 767.24 (6) (f) and 767.327 (6m) of the statutes; relating to: prohibiting a parent
3 who has physical placement of a child from taking the child to certain foreign
4 counties without the agreement of the other parent.

Analysis by the Legislative Reference Bureau

Under current law, if both parents of a child have physical placement with the child, a parent who has legal custody of the child must give the other parent at least 60 days' notice of his or her intention to remove the child from the state for more than 90 days or to establish his or her legal residence with the child outside the state or in the state at a distance of 150 miles or more from the other parent. If the parent who is not moving or taking the child outside the state objects, he or she may request the court to prohibit the move or removal or to modify the current legal custody or physical placement order. Also under current law, any person who intentionally causes a child to leave, takes a child away, or withholds a child from a legal custodian for more than 12 hours beyond a court-approved period of physical placement without the consent of the legal custodian is guilty of a Class C felony. A court may find a parent with joint legal custody of a child in violation of this provision.

This bill provides that, if both parents of a child have periods of physical placement with the child, neither parent may take the child to a country that has not ratified or acceded to the Hague Convention on the Civil Aspects of International Child Abduction unless the other parent agrees in writing that the child may be taken to that country. This prohibition applies instead of the current law provision

BILL

relating to removing a child or establishing a different legal residence with a child. In addition, the court must advise the parties of the prohibition when granting physical placement, and the prohibition must be included in the order of physical placement.

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

1 **SECTION 1.** 767.24 (4) (d) ✓ of the statutes is renumbered 767.24 (4) (d) (intro.)
2 and amended to read:

3 767.24 (4) (d) (intro.) If the court grants periods of physical placement to more
4 than one parent, it shall order do all of the following:

5 1. Order a parent with legal custody and physical placement rights to provide
6 the notice required under s. 767.327 (1).

7 **SECTION 2.** 767.24 (4) (d) 2. ✓ of the statutes is created to read:

8 767.24 (4) (d) 2. Advise the parents of the prohibition under sub. (6) (f).

9 **SECTION 3.** 767.24 (6) (f) ✓ of the statutes is created to read:

10 767.24 (6) (f) Notwithstanding s. 767.327 (1) to (6), if the court grants periods
11 of physical placement with a child to both parents, a parent may not take the child
12 to a country that has not ratified or acceded to the Hague Convention on the Civil
13 Aspects of International Child Abduction unless the other parent agrees in writing
14 that the child may be taken to the country. This prohibition shall be included in the
15 order of physical placement.

16 **SECTION 4.** 767.327 (6m) ✓ of the statutes is created to read:

17 767.327 (6m) **TAKING A CHILD TO CERTAIN FOREIGN COUNTRIES.** Section 767.24 (6)
18 (f) applies instead of subs. (1) to (6) if the court grants periods of physical placement
19 with a child to both parents and a parent desires or intends to take the child to a
20 country that has not ratified or acceded to the Hague Convention on the Civil Aspects

BILL

1 of International Child Abduction, regardless of the length of time that the parent
2 desires or intends to remove the child from this state.

3 (END)



STEPHEN D. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

March 13, 2001

MEMORANDUM

To: Representative Johnsrud

From: Pamela J. Kahler, Senior Legislative Attorney

Re: LRB-2828 Prohibiting a parent from taking a child to certain foreign countries without the agreement of the other parent

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-2682 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.



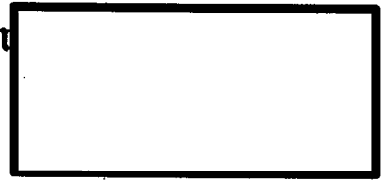
State of Wisconsin
2001-2002 LEGISLATURE

CORRECTIONS IN:

2001 ASSEMBLY BILL 220

Prepared by the Legislative Reference Bureau
(April 5, 2001)

1. Page 1, line 4: delete "counties" and substitute "countries".



IN THE INSAID FOLDER

CORRECTIONS IN:

CCC (LRB-2828/1)

2001 ASSEMBLY BILL 220

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Prepared by the Legislative Reference Bureau
(Date?????????????????)

1. Page 1, line 4: delete "counties" and substitute "countries".

KMG:

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