

2001 SENATE BILL 89

March 13, 2001 – Introduced by Senator M. MEYER, cosponsored by Representative JOHNSRUD. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

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

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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

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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)