

2001 DRAFTING REQUEST

Bill

Received: **09/27/2000**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Brian Burke (608) 266-8535**

By/Representing: **Debbie**

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Courts - civil procedure**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Jurisdiction in divorces

Instructions:

See Attached 99 SB 202

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>
/?	nelsorp1 10/03/2000	jdye 10/12/2000		_____			
/1			rschluet 10/13/2000	_____	lrb_docadmin 10/13/2000	lrb_docadmin 02/22/2001	

FE Sent For:

<END>

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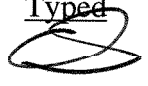

Topic:

Jurisdiction in divorces

Instructions:

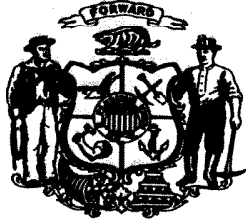
See Attached 99 SB 202

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/?	nelsorp1	1/12 jld	 10.13.00	 JF 10.13.00			

FE Sent For:

<END>



BRIAN BURKE

WISCONSIN STATE SENATOR

Senate Chair, Joint Committee on Finance

Memorandum

To: Robert Nelson, Legislative Reference Bureau (Drafting)
From: Senator Burke
Date: 09/26/00
Re: Redrafts from 1999-2000 session for reintroduction next year

Please redraft the following bills for reintroduction in the upcoming legislative session:

SB 202
Jurisdiction in divorces.

If you have any questions, please contact Debbie from my office at 6-8535.

SENATE BILL 202 (LRB-2914)

An Act to amend 801.07 (5) of the statutes; relating to: jurisdiction in divorces.

1999

- 06-24. S. Introduced by Senator Burke; cosponsored by Representative Bock.
 06-24. S. Read first time and referred to committee on Judiciary and Consumer Affairs

187

2000

- 01-25. S. Public hearing held .
 02-01. S. Executive action taken .
 02-03. S. Report passage recommended by committee on Judiciary and Consumer Affairs, Ayes 5, Noes 0

420

- 02-03. S. Available for scheduling .
 02-08. S. Read a second time

427

- 02-08. S. Ordered to a third reading

427

- 02-08. S. Rules suspended

427

- 02-08. S. Read a third time and passed

427

- 02-08. S. Ordered immediately messaged

429

- 02-10. A. Received from Senate

660

- 02-10. A. Read first time and referred to committee on Family Law

661

- 03-02. A. Public hearing held .
 03-14. A. Executive action taken .
 03-16. A. Report concurrence recommended by committee on Family Law, Ayes 8, Noes 0

770

- 03-16. A. Referred to committee on Rules

771

- 04-06. A. Failed to concur in pursuant to Senate Joint Resolution 1

915

2001
~~1999~~ SENATE BILL 202

June 24, 1999 - Introduced by Senator BURKE, cosponsored by Representative BOCK. Referred to Committee on Judiciary and Consumer Affairs.

Regen

1 AN ACT to amend 801.07 (5) of the statutes; relating to: jurisdiction in divorces.

Analysis by the Legislative Reference Bureau

In *Mendez v. Hernandez-Mendez*, 213 Wis. 2d 217 (Wis. App. 1997), the court of appeals held that although the petitioner in the divorce action commenced in Wisconsin obtained personal service on the respondent who lived in Mexico, the court lacked the grounds for personal jurisdiction. The court found that the respondent had never been in Wisconsin and had no contacts with Wisconsin, so there were no minimum contacts necessary to obtain personal jurisdiction over the respondent, and dismissed the petition for a divorce.

This bill overrules that decision by providing that a court may determine if a divorce may be granted between parties when the respondent has been properly served without requiring the court to have grounds for personal jurisdiction over the respondent.

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

PWF
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SECTION 1. 801.07 (5) of the statutes is amended to read:

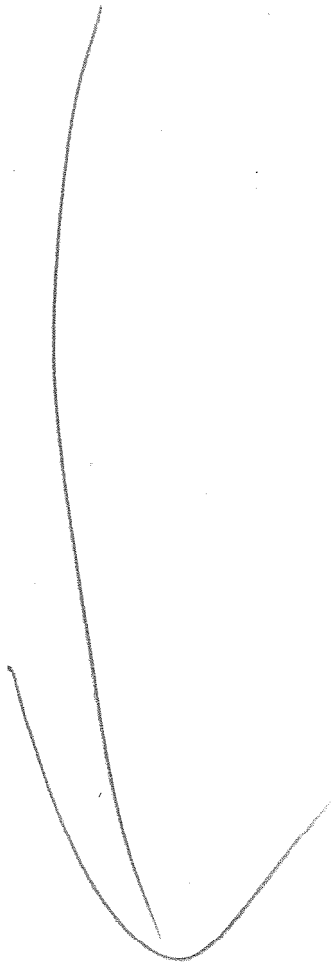
801.07 (5) When the action is an action affecting the family under s. 767.02 (1) (a) to (d) and when the residence requirements of s. 767.05 (1m) have been met, a court having subject matter jurisdiction may exercise jurisdiction quasi in rem to

SENATE BILL 202

SECTION 1

1 determine questions of status if the respondent has been served under s. 801.11 (1).
2 Notwithstanding s. 801.11 (intro.), the court need not have grounds for personal
3 jurisdiction under s. 801.05 in order to make a determination of the status of a
4 marriage under this subsection.

~~(END)~~



PWF
1
2
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INITIAL APPLICABILITY

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the budget action phrase, execute: create → action: → *NS: → 93XX
 For the text, execute: create → text: → *NS: → inappl
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

SECTION # [93] **Initial applicability;**

(#1) ()

The treatment of sections ..

of the statutes

first applies to

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the text, execute: create → text: → *NS: → inapplA
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

SECTION # . **Initial applicability?**

(#1) ()

This act first

applies to

actions affecting the family commenced on the effective date of this subsection.

Nelson, Robert P.

To: Burke, Brian



01-0555/1

Here is the draft you requested. I have asked the front office to jacket this draft for you.

Robert Nelson, Legislative Attorney
Legislative Reference Bureau
608-267-7511
robert.nelson@legis.state.wi.us
FAX 608-266-5648