

**BILL HISTORY FOR ASSEMBLY BILL 246 (LRB -2669 )**

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

2001

03-26.	A.	Introduced by Representatives <b>Kaufert, Bock, Berceau, Gunderson, Huber, Jeskewitz, Ladwig, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Owens, Plale, Plouff, Powers, Staskunas, Stone, Townsend, Vrakas, Wade and Young</b> ; cosponsored by Senators <b>Burke, George, Plache, Darling, Huelsman, Roessler and Rosenzweig.</b>	
03-26.	A.	Read first time and referred to committee on Family Law	173
04-26.	A.	Public hearing held.	
04-26.	A.	Executive action taken.	
05-08.	A.	Report passage recommended by committee on Family Law, Ayes 6, Noes 0	235
05-08.	A.	Referred to committee on Rules	235
06-07.	A.	Placed on calendar 6-12-2001 by committee on Rules.	
06-12.	A.	Read a second time	283
06-12.	A.	Ordered to a third reading	283
06-12.	A.	Rules suspended	283
06-12.	A.	Read a third time and <b>passed</b>	283
06-12.	A.	Representative Lippert added as a coauthor	283
06-12.	A.	Ordered immediately messaged	283
06-14.	S.	Received from Assembly	229
06-14.	S.	Read first time and referred to committee on Judiciary, Consumer Affairs, and Campaign Finance Reform	230
10-04.	S.	Rules suspended to withdraw from committee on Judiciary, Consumer Affairs, and Campaign Finance Reform and take up.	
10-04.	S.	Read a second time.	
10-04.	S.	Ordered to a third reading.	
10-04.	S.	Rules suspended.	
10-04.	S.	Read a third time and <b>concurred in.</b>	
10-04.	S.	Ordered immediately messaged.	
10-04.	A.	Received from Senate concurred in.	

**2001  
ENROLLED BILL**

01en AB-246

**ADOPTED DOCUMENTS:**

Orig     Engr         SubAmdt     

01 <sup>2669</sup>~~22~~ / 1 / 1

Amendments to above (if none, write "NONE"): none

Corrections - show date (if none, write "NONE"): none

Topic jurisdiction in divorce

10/05/01  
Date

Pete Ryan  
Enrolling Drafter

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## 2001 ASSEMBLY BILL 246

March 26, 2001 - Introduced by Representatives KAUFERT, BOCK, BERCEAU, GUNDERSON, HUBER, JESKEWITZ, LADWIG, LA FAVE, LASSA, J. LEHMAN, MEYERHOFER, MILLER, OWENS, PLALE, PLOUFF, POWERS, STASKUNAS, STONE, TOWNSEND, VRAKAS, WADE and YOUNG, cosponsored by Senators BURKE, GEORGE, PLACHE, DARLING, HUELSMAN, ROESSLER and ROSENZWEIG. Referred to Committee on Family Law.

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

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### *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.

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

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

3 801.07 (5) When the action is an action affecting the family under s. 767.02 (1)

4 (a) to (d) and when the residence requirements of s. 767.05 (1m) have been met, a

5 court having subject matter jurisdiction may exercise jurisdiction quasi in rem to

**ASSEMBLY BILL 246**

**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.

5 **SECTION 2. Initial applicability.**

6 (1) This act first applies to actions affecting the family commenced on the  
7 effective date of this subsection.

8 (END)