

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.**

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:

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

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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)