

2001 DRAFTING REQUEST

Bill

Received: **02/28/2001**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB: **01-0555**

For: **Dean Kaufert (608) 266-5719**

By/Representing: **Ed**

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

Drafter: **nelsorp1**

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Subject: **Courts - civil procedure**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Jurisdiction in divorces

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>
/1	nelsorp1 02/28/2001	wjackson 02/28/2001	martykr 02/28/2001	_____	lrb_docadmin 02/28/2001	lrb_docadmin 03/21/2001	

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Stays

2001 BILL

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:

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

BILL

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)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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MADISON, WI 53701-2037

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

STEPHEN R. MILLER
CHIEF

February 28, 2001

MEMORANDUM

To: Representative Kaufert

From: Robert P. Nelson, Senior Legislative Attorney

Re: LRB-2669 Jurisdiction in divorces

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) 267-7511 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.