

2005 Assembly Bill 522

Date of enactment: **January 4, 2006**  
Date of publication\*: **January 19, 2006**

# 2005 WISCONSIN ACT 101

AN ACT *to renumber and amend* 767.325 (5m); and *to create* 767.24 (5) (am) 12m. and 767.325 (5m) (b) of the statutes; **relating to:** considering a person's criminal record and evidence of abuse or neglect of any child when determining custody or physical placement of a child.

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

**SECTION 1.** 767.24 (5) (am) 12m. of the statutes is created to read:

767.24 (5) (am) 12m. Whether any of the following has a criminal record and whether there is evidence that any of the following has engaged in abuse, as defined in s. 813.122 (1) (a), of the child or any other child or neglected the child or any other child:

a. A person with whom a parent of the child has a dating relationship, as defined in s. 813.12 (1) (ag).

b. A person who resides, has resided, or will reside regularly or intermittently in a proposed custodial household.

**SECTION 2.** 767.325 (5m) of the statutes is renumbered 767.325 (5m) (a) and amended to read:

767.325 (5m) (a) ~~In~~ Subject to par. (b), in all actions to modify legal custody or physical placement orders, the

court shall consider the factors under s. 767.24 (5) (am), subject to s. 767.24 (5) (bm), and shall make its determination in a manner consistent with s. 767.24.

**SECTION 3.** 767.325 (5m) (b) of the statutes is created to read:

767.325 (5m) (b) In determining the best interest of the child under this section, in addition to the factor under s. 767.24 (5) (am) 12m., the court shall consider whether a stepparent of the child has a criminal record and whether there is evidence that a stepparent of the child has engaged in abuse, as defined in s. 813.122 (1) (a), of the child or any other child or neglected the child or any other child.

**SECTION 4. Initial applicability.**

(1) This act first applies to actions or proceedings, including actions or proceedings to modify a judgment or order previously granted, that are commenced on the effective date of this subsection.

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\* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].