

ASSEMBLY BILL 522 (LRB -1974)

An Act to renumber and amend 767.325 (5m); and to create 767.325 (5m) (b) of the statutes; relating to: considering a person's criminal record and evidence of abuse or neglect of a child when modifying custody or physical placement of a child.

2005

09-22.	A.	Introduced by Representatives Wood, Lamb, Ainsworth, Albers, J. Fitzgerald, Freese, Gard, Gronemus, Gunderson, Gundrum, Hines, Honadel, Jensen, Kleefisch, Krawczyk, Kreibich, Lehman, Moulton, Petrowski, Pettis, Rhoades, Strachota, Suder, Townsend, Wasserman and Jeskewitz ; cosponsored by Senators Harsdorf, Lassa, Carpenter, Darling, A. Lasee, Reynolds, Risser, Roessler, Stepp, Zien and Brown.	
06-28.	A.	Read first time and referred to committee on Children and Families	341
08-04.	A.	Public hearing held.	
09-08.	A.	Executive action taken.	
09-08.	A.	Assembly substitute amendment 1 offered by committee on Children and Families (LRB s0175)	452
09-09.	A.	Report Assembly Substitute Amendment 1 adoption recommended by committee on Children and Families, Ayes 6, Noes 0	454
09-09.	A.	Report passage as amended recommended by committee on Children and Families, Ayes 6, Noes 0	454
09-09.	A.	Referred to committee on Rules	454
09-22.	A.	Placed on calendar 9-27-2005 by committee on Rules.	
09-22.	A.	Made a special order of business at 11:30 A.M. on 9-27-2005 pursuant to Assembly Resolution 38	479
09-27.	A.	Representative Gielow added as a coauthor	502
09-27.	A.	Read a second time	502
09-27.	A.	Point of order that Assembly substitute amendment 1 not germane not well taken	502
09-27.	A.	Assembly substitute amendment 1 adopted	502
09-27.	A.	Ordered to a third reading	502
09-27.	A.	Rules suspended	502
09-27.	A.	Read a third time and passed , Ayes 97, Noes 0	502
09-27.	A.	Ordered immediately messaged	502
09-30.	S.	Received from Assembly	382
09-30.	S.	Read first time and referred to committee on Health, Children, Families, Aging and Long Term Care	384
10-20.	S.	Public hearing held.	
10-24.	S.	Report concurrence recommended by committee on Health, Children, Families, Aging and Long Term Care, Ayes 5, Noes 0	402
10-24.	S.	Available for scheduling.	
11-01.	S.	Withdrawn from committee on Senate Organization and taken up.	
11-01.	S.	Read a second time.	
11-01.	S.	Ordered to a third reading.	
11-01.	S.	Rules suspended.	
11-01.	S.	Read a third time and concurred in .	
11-01.	S.	Ordered immediately messaged.	
11-01.	A.	Received from Senate concurred in.	

**2005
ENROLLED BILL**

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ADOPTED DOCUMENTS:

Orig Engr

A SubAmdt 1

05301751

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

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

Topic relax

11/2/05 [Signature]
Date Enrolling Drafter

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 522**

September 8, 2005 – Offered by COMMITTEE ON CHILDREN AND FAMILIES.

1 **AN ACT** *to renumber and amend* 767.325 (5m); and *to create* 767.24 (5) (am)
2 12m. and 767.325 (5m) (b) of the statutes; **relating to:** considering a person's
3 criminal record and evidence of abuse or neglect of any child when determining
4 custody or physical placement of a child.

Analysis by the Legislative Reference Bureau

Under current law, when a court determines the custody or physical placement of a child in an action affecting the family, such as a divorce, the court must consider all factors relevant to the best interest of the child. The statutes contain a number of specific factors that the court must consider, including whether either parent has engaged in abuse of the child.

This substitute amendment provides that when a court determines the custody or physical placement of a child in an action affecting the family, in addition to the factors under current law, the court must consider whether a person with whom a parent of the child has a dating relationship, or a person who resides, has resided, or will reside regularly or intermittently in a proposed custodial household, has a criminal record or has abused or neglected the child or any other child.

Also under current law, when a court decides whether to modify custody or physical placement of a child after an initial determination, the court must consider the same factors that the court must consider when making the initial determination. The substitute amendment requires a court also to consider whether

a stepparent of the child has a criminal record or has abused or neglected the child or any other child when deciding whether to modify custody or physical placement of a child after an initial determination.

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

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

2 767.24 (5) (am) 12m. Whether any of the following has a criminal record and
3 whether there is evidence that any of the following has engaged in abuse, as defined
4 in s. 813.122 (1) (a), of the child or any other child or neglected the child or any other
5 child:

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

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

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

12 767.325 (5m) (a) ~~In~~ Subject to par. (b), in all actions to modify legal custody or
13 physical placement orders, the court shall consider the factors under s. 767.24 (5)
14 (am), subject to s. 767.24 (5) (bm), and shall make its determination in a manner
15 consistent with s. 767.24.

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

17 767.325 (5m) (b) In determining the best interest of the child under this
18 section, in addition to the factor under s. 767.24 (5) (am) 12m., the court shall
19 consider whether a stepparent of the child has a criminal record and whether there

1 is evidence that a stepparent of the child has engaged in abuse, as defined in s.
2 813.122 (1) (a), of the child or any other child or neglected the child or any other child.

3 **SECTION 4. Initial applicability.**

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

7 (END)