

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

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*

---

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

5 **SECTION 1.** 767.24 (5) (am) 12m. of the statutes is created to read:  
6 767.24 **(5)** (am) 12m. Whether any of the following has a criminal record and  
7 whether there is evidence that any of the following has engaged in abuse, as defined  
8 in s. 813.122 (1) (a), of the child or any other child or neglected the child or any other  
9 child:

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

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

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

7 767.325 (5m) (a) ~~In~~ Subject to par. (b), in all actions to modify legal custody or  
8 physical placement orders, the court shall consider the factors under s. 767.24 (5)  
9 (am), subject to s. 767.24 (5) (bm), and shall make its determination in a manner  
10 consistent with s. 767.24.

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

12 767.325 (5m) (b) In determining the best interest of the child under this  
13 section, in addition to the factor under s. 767.24 (5) (am) 12m., the court shall  
14 consider whether a stepparent of the child has a criminal record and whether there  
15 is evidence that a stepparent of the child has engaged in abuse, as defined in s.  
16 813.122 (1) (a), of the child or any other child or neglected the child or any other child.

17 **SECTION 4. Initial applicability.**

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

21 (END)