

2005 ASSEMBLY BILL 522

June 28, 2005 – 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. Referred to Committee on Children and Families.

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

Analysis by the Legislative Reference Bureau

Under current law, when a court decides whether to modify custody or physical placement of a child after an initial determination in an action affecting the family, such as a divorce, the court must consider a number of factors, including the factors that the court must consider when making the initial determination as to custody and physical placement. Those factors include, among other things, whether there is evidence that either party has engaged in abuse of the child or each other. This bill provides that when a court determines whether it is in a child's best interest to modify custody or physical placement after an initial determination has been made, in addition to the factors under current law, the court must consider whether a stepparent, person with whom a parent of the child has a dating relationship, or person who resides or has resided regularly or intermittently in the child's home has a criminal record or has abused or neglected the child.

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

