

2005 DRAFTING REQUEST

Bill

Received: 02/02/2005

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: Jeffrey Wood (608) 266-1194

By/Representing: Tony Blodgett

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: Dom. Rel. - cust./plac./vis.

Extra Copies:

Submit via email: YES

Requester's email: Rep.WoodJ@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Abuse by stepparent as a factor for modification of custody

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>
/?	pkahler 02/03/2005	kfollett 02/09/2005		_____			
/P1			jfrantze 02/09/2005	_____	sbasford 02/09/2005		
/1	pkahler 02/09/2005	jdyer 02/12/2005	pgreensl 02/14/2005	_____	sbasford 02/14/2005	lemery 06/14/2005	

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: 02/02/2005

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: Jeffrey Wood (608) 266-1194

By/Representing: Tony Blodgett

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: Dom. Rel. - cust./plac./vis.

Extra Copies:

Submit via email: YES

Requester's email: Rep.WoodJ@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Abuse by stepparent as a factor for modification of custody

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>
/?	pkahler 02/03/2005	kfollett 02/09/2005		_____			
/P1			jfrantze 02/09/2005	_____	sbasford 02/09/2005		
/1	pkahler 02/09/2005	jdye 02/12/2005	pgreensl 02/14/2005	_____	sbasford 02/14/2005		

2005 DRAFTING REQUEST

Bill

Received: 02/02/2005

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: Jeffrey Wood (608) 266-1194

By/Representing: Tony Blodgett

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: Dom. Rel. - cust./plac./vis.

Extra Copies:

Submit via email: YES

Requester's email: Rep.WoodJ@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Abuse by stepparent as a factor for modification of custody

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>
/?	pkahler 02/03/2005	kfollett 02/09/2005	2/14 ps	2/14			
/P1		1/2 rajld	jfrantze 02/09/2005	2/14 ps	sbasford 02/09/2005		

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: 02/02/2005

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: Jeffrey Wood (608) 266-1194

By/Representing: Tony Blodgett

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: Dom. Rel. - cust./plac./vis.

Extra Copies:

Submit via email: YES

Requester's email: Rep.WoodJ@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

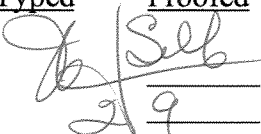
Topic:

Abuse by stepparent as a factor for modification of custody

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>
/?	pkahler						

FE Sent For:

<END>

Kahler, Pam

From: Blodgett, Tony
Sent: Tuesday, February 01, 2005 4:19 PM
To: Kahler, Pam
Subject: Bill draft request from Rep. Jeff Wood

Hi Pam,

The language requested for the bill is below. It is an addition to 767.325(2) I believe, and if it makes sense please do a preliminary draft first. Let me know if there are any problems or if you have any questions.

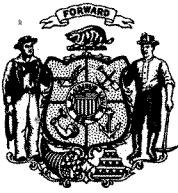
Thanks!

Tony Blodgett
Legislative Aide
Office of Rep. Jeff Wood
(608) 266-1194: Office
(608) 658-7720: Cell
Tony.Blodgett@legis.state.wi.us

767.325(2)(c)

(g) If there was evidence of either a step parent or significant other engaging in verifiable and substantiated evidence of domestic violence or abuse between the parties, , as defined in s. 813.122 (1) (a) , of the child, as defined in s. 48.02 (2) or evidence of interspousal battery, as described under s. 940.19 or 940.20 (1m) , or domestic abuse, as defined in s. 813.12 (1) (am) , and emotional damage defined in s. 48.02 (1) (gm), and child neglect as defined in s. 48.981(1)(am)4.

The Steven Hubbard Assembly Bill - State Representative Jeff Wood 67th Assembly District



Other
State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1974/7

PJK: *[Signature]*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

you cut

1 **AN ACT** *;* **relating to:** considering abuse or neglect of a child when modifying
2 custody or physical 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 abused or neglected the child.

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

3 **SECTION 1.** 767.325 (~~5m~~) of the statutes is renumbered 767.325 (5m) (a) and
4 amended to read:

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1974/dn

PJK: /....

Date

* Under current law, when a court decides whether to modify custody or physical placement of a child, the court must consider the factors under s. 767.24 (5) (am). Section 767.24 (5) (am)³ somewhat addresses the issue that this draft addresses by requiring the court to consider the interaction and interrelationship of the child with any person who may significantly affect the child's best interest. This draft adds that the court must consider abuse or neglect of the child by a stepparent, a "significant other," or a person who lives or has lived in the child's home. The definition of "abuse" in s. 48.02 (1) includes emotional damage. el

I did not add that the court must consider whether there is evidence of interspousal battery or domestic abuse (with respect to a parent of the child) because the court is already required to consider that under s. 767.24 (5) (am)¹³.

* Let me know if you want the factor^(a) in this draft to have a greater effect on a judge's decision than simply as a factor for the judge to consider. The judge really should be considering abuse or neglect currently, because abuse or neglect certainly would make the current custodial conditions physically or emotionally harmful to the best interest of the child (see s. 767.325 (1) (intro.)) and abuse or neglect would, I think, rebut any presumption that continuing the current placement is in the child's best interest (see s. 767.325 (1) (b) 2. b.).

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1974/P1dn
PJK:kjfjf

February 9, 2005

Under current law, when a court decides whether to modify custody or physical placement of a child, the court must consider the factors under s. 767.24 (5) (am). Section 767.24 (5) (am) 3. somewhat addresses the issue that this draft addresses by requiring the court to consider the interaction and interrelationship of the child with any person who may significantly affect the child's best interest. This draft adds that the court must consider abuse or neglect of the child by a stepparent, a "significant other," or a person who lives or has lived in the child's home. The definition of "abuse" in s. 48.02 (1) includes emotional damage.

I did not add that the court must consider whether there is evidence of interspousal battery or domestic abuse (with respect to a parent of the child) because the court is already required to consider that under s. 767.24 (5) (am) 13.

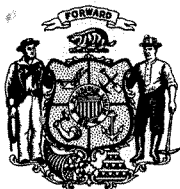
Let me know if you want the factor in this draft to have a greater effect on a judge's decision than simply as a factor for the judge to consider. The judge really should be considering abuse or neglect currently, because abuse or neglect certainly would make the current custodial conditions physically or emotionally harmful to the best interest of the child (see s. 767.325 (1) (a) (intro.)) and abuse or neglect would, I think, rebut any presumption that continuing the current placement is in the child's best interest (see s. 767.325 (1) (b) 2. b.).

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

2-9

Toney - by phone

odd that the judge must consider
whether the same people have a
criminal record



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1974/01

PJK:kjf:jf

rmis run

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Regen
a person's criminal record and evidence of

- 1 AN ACT *to renumber and amend* 767.325 (5m); and *to create* 767.325 (5m) (b)
- 2 of the statutes; **relating to:** considering abuse or neglect of a child when
- 3 modifying custody or physical 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 abused or neglected the child.

has a criminal record or

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

- 4 SECTION 1. 767.325 (5m) of the statutes is renumbered 767.325 (5m) (a) and
- 5 amended to read:

Northrop, Lori

From: Blodgett, Tony
Sent: Monday, June 13, 2005 11:44 AM
To: LRB.Legal
Subject: Draft review: LRB 05-1974/1 Topic: Abuse by stepparent as a factor for modification of custody

It has been requested by <Blodgett, Tony> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-1974/1 Topic: Abuse by stepparent as a factor for modification of custody