

2005 SENATE BILL 244

1 **AN ACT** *to renumber and amend* 767.327 (5m); *to amend* 767.24 (1m) (L); and
2 *to create* 767.001 (1g), 767.23 (1) (ap), 767.24 (1m) (Lm), 767.24 (4) (e) and
3 767.327 (5m) (b) of the statutes; **relating to:** granting a parent electronic
4 communication with 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.** 767.001 (1g) of the statutes is created to read:

6 767.001 (**1g**) “Electronic communication” means time during which a parent
7 and his or her child communicate by using communication tools such as the
8 telephone, electronic mail, instant messaging, video conferencing or other wired or
9 wireless technologies via the Internet, or another medium of communication.

10 **SECTION 2.** 767.23 (1) (ap) of the statutes is created to read:

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1 767.23 (1) (ap) Upon the request of a party, granting periods of electronic
2 communication to a party in a manner consistent with s. 767.24. The court or circuit
3 court commissioner shall make a determination under this paragraph within 30
4 days after the request for a temporary order regarding periods of electronic
5 communication is filed.

6 **SECTION 3.** 767.24 (1m) (L) of the statutes is amended to read:

7 767.24 (1m) (L) Whether and how the child will be able to contact the other
8 parent when the child has physical placement with the parent providing the
9 parenting plan, and what electronic communication, if any, the parent is seeking.

10 **SECTION 4.** 767.24 (1m) (Lm) of the statutes is created to read:

11 767.24 (1m) (Lm) Whether equipment for providing electronic communication
12 is reasonably available to both parents.

13 **SECTION 5.** 767.24 (4) (e) of the statutes is created to read:

14 767.24 (4) (e) If the court grants periods of physical placement to more than one
15 parent, the court may grant to either or both parents a reasonable amount of
16 electronic communication at reasonable hours during the other parent's periods of
17 physical placement with the child. Electronic communication with the child may be
18 used only to supplement a parent's periods of physical placement with the child.
19 Electronic communication may not be used as a replacement or as a substitute for
20 a parent's periods of physical placement with the child. Granting a parent electronic
21 communication with the child during the other parent's periods of physical
22 placement shall be based on whether it is in the child's best interest and whether
23 equipment for providing electronic communication is reasonably available to both
24 parents. If the court grants electronic communication to a parent whose physical

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1 placement with the child is supervised, the court shall also require that the parent's
2 electronic communication with the child be supervised.

3 **SECTION 6.** 767.327 (5m) of the statutes is renumbered 767.327 (5m) (intro.)
4 and amended to read:

5 767.327 **(5m)** ~~DISCRETIONARY OTHER FACTORS TO CONSIDER.~~ (intro.) In making
6 a determination under sub. (3), ~~the~~:

7 (a) ~~The~~ court may consider the child's adjustment to the home, school, religion
8 and community.

9 **SECTION 7.** 767.327 (5m) (b) of the statutes is created to read:

10 767.327 **(5m)** (b) The court may not use the availability of electronic
11 communication as a factor in support of a modification of a physical placement order
12 or in support of a refusal to prohibit a move.

13 **SECTION 8. Initial applicability.**

14 (1) PARENTING PLANS. The treatment of section 767.24 (1m) (Lm) of the statutes
15 first applies to parenting plans filed with the court on the effective date of this
16 subsection.

17 (END)